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**CIVIL SOCIETY ORGANISATIONS AND HUMAN RIGHTS IN ASEAN:
THE CASE OF INDONESIA**

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Submitted in total fulfilment of the requirements of the degree of
Doctor of Philosophy

December 2018

School of Social and Political Sciences

Faculty of Arts

The University of Melbourne

Abstract

ASEAN's progress in human rights has been a puzzling issue, especially given the Association's rapid transformation after the Cold War. While seemingly demonstrating a formal institutionalisation of human rights, ASEAN progress does not entail any real regional mechanism for guaranteeing human rights protection, signalling a significant gap in its rhetoric and action. In understanding this empirical puzzle, many scholars often focus on evaluating the process of diffusion of norms that originate from outside the region to ASEAN member states. Often underplayed in these accounts are the political dynamics from wider relevant actors within the region that influence norms institutionalisation process. As such, it is important to move beyond state-centric analysis and to dissect myths associated with the process of norm dynamics. This thesis asks: *how do civil society organisations (CSOs) engage with ASEAN in shaping the institutionalisation of human rights norms in the region?* To answer this question, this thesis focuses on the case of Indonesia and adopts a Bourdieu-inspired constructivist International Relations (IR) perspective in making sense of the nature of institutionalisation of human rights norms in ASEAN and investigating power relations among Indonesian CSOs, Indonesian officials and ASEAN in socialising human rights norms. This thesis argues that the institutionalisation of human rights in the region is significantly shaped by the ASEAN *doxa*, which comprises existing normative dispositions and Southeast Asian diplomatic mechanisms. Moreover, there are three notable patterns of Indonesian CSOs' engagement with the process, namely *supportive* (exemplified by CSIS), *critical* (exemplified by KontraS) and *adaptive* (exemplified by HRWG). These patterns contribute to Indonesia's position on regional human rights issues and the nuanced context where ASEAN human rights institutionalisation process continues to show a gap between rhetoric and action.

Keywords: ASEAN, Human Rights, Civil Society Organisations, Constructivism IR.

Declaration

This is to certify that:

1. The thesis comprises only my original work towards the PhD except where indicated in the preface,
2. Due acknowledgement has been made in the text to all other material used,
3. The thesis is fewer than 100,000 words in length, exclusive of tables, maps, bibliographies and appendices.

Melbourne, 12 December 2018

Randy Wirasta Nandyatama

Preface

The entire research was conducted and completed by Randy Wirasta Nandyatama during the course of enrolment of his PhD (Arts) at the University of Melbourne, especially under the supervision of Prof. John Murphy (primary supervisor), Dr. Avery Poole (associate supervisor), and Dr. Daniel McCarthy (associate supervisor). The research conducted for this thesis was undertaken with the approval of the Human Research Ethics Committee of The University of Melbourne, particularly the Human Ethics Sub-Committees (HESC) on Humanities, Law and Social Sciences (HLSS). The University of Melbourne HESC - HLSS ID number approval is ID 1545273.1. Some part of Chapter III (Indonesia and Human Rights in ASEAN) has been published as a chapter (“Institutionalising Human Rights in ASEAN: The Peril of Doxic Subordination”) in *50 Years of Amity and Enmity: The Politics of ASEAN Cooperation*, edited by Poppy Winanti and Muhammad Rum, Yogyakarta: Gadjah Mada University Press, 2018.

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List of Acronyms

ACSC	ASEAN Civil Society Conference
AICHR	ASEAN Intergovernmental Commission on Human Rights
AHRD	ASEAN Human Rights Declaration
AMM	ASEAN Ministerial Meeting
APF	ASEAN People's Forum
APSC	ASEAN Political-Security Community
ASC	ASEAN Security Community
ASEAN	Association of Southeast Asian Nations
ASEAN-ISIS	ASEAN Institutes of Strategic and International Studies
ASEAN SOM	ASEAN Senior Officials Meeting
CAT	Convention against Torture
CED	International Convention for the Protection of All Persons from Enforced Disappearance
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPR	Committee of Permanent Representatives
CROC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSIS	Centre for Strategic and International Studies (Jakarta)
CSO	Civil society organisation
ECOSOC	United Nations Economic and Social Council
EPG	Eminent Persons Group
EU	European Union
HLP	High Level Panel (on an ASEAN Human Rights Body)
HRWG	Human Rights Working Group (Indonesia)
HTLF	High Level Task Force
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IR	International Relations
ISDS	Institute for Strategic and Development Studies (the Philippines)
ISEAS	Institute of Southeast Asian Studies (Singapore)
ISIS	Institute of Strategic and International Studies (Malaysia, Thailand)

KOMNAS HAM	<i>Komisi Nasional Hak Asasi Manusia</i> [National Commission on Human Rights (Indonesia)]
KontraS	<i>Komisi Komisi untuk Orang Hilang dan Korban Tindak Kekerasan</i> [Commission for Missing Persons and Victims of Violence (Indonesia)]
MAPHILINDO	Malaysia, the Philippines and Indonesia group
MOFA	Ministry of Foreign Affairs
NGO	Nongovernment organization
PIRD	Publicity International Relations Department
SAPA	Solidarity for Asian People's Advocacy
SEANWFZ	Southeast Asian Nuclear-Weapon-Free-Zone
SIIA	Singapore Institute of International Affairs
TAC	Treaty of Amity and Cooperation
ToR	Terms of Reference
UK	The United Kingdom of Great Britain and Northern Ireland
UN	The United Nations
US	The United States of America
VAP	Vientiane Action Programme
ZOPFAN	The Zone of Peace, Freedom and Neutrality

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Acknowledgement

This doctoral research project would not have been possible without the support of many individuals and institutions. Most of all, I owe my deepest gratitude to my supervisors Prof. John Murphy, Dr. Avery Poole and Dr. Daniel McCarthy for their bounteous support and mentorship, especially in providing me with invaluable guides on how to conduct my research and write this thesis. My doctoral studies would not have been possible without John and Avery's kind willingness to accept my initial thesis proposal. John has not only been my supervisor in greatly guiding the logic my research, but also a compassionate supporter of my family's wellbeing in Melbourne. Avery has also been a great mentor, particularly in giving detailed questions and critical comments on ASEAN. Despite Daniel only joined supervising my thesis since my third year, his constructive suggestions on the theory and empirical analysis have significantly shaped and enhanced this thesis. I would also like to thank Dr. Kate McDonald for her supports as the chair of my thesis project.

I would like to express my sincere gratitude to two generous institutions. The University of Melbourne (UoM) awarded me a postgraduate research scholarship and Gadjah Mada University (UGM) provided me with additional financial assistance. In this regard, I would like to specifically acknowledge the support of Prof. Mark Considine as the then Dean of the Faculty of Arts and Prof. John Murphy as the Deputy Dean of the Faculty of Arts, UoM and Dr. Erwan Agus Purwanto as the Dean of the Faculty of Social and Political Sciences, UGM.

I humbly acknowledge contributions of some scholars who have helped clarify my thinking, particularly Prof. Adrian Little, Prof. Ronald Holzacker, Prof. Vedi Hadiz, Dr. Dave McRae, and Dr. Ken Setiawan. Fellow postgraduates have provided me not only with valuable encouragement but also great friendship: Hamza Jehagir, Shuntaro Iizuka, Laura Dunstan, Bahrudin, Primatia Romana, Lukman-nul Hakim, Hellena Souisa, Abdil Mughis, and Karin Qiao. I would also like to thank Dr. Diane Brown for proofreading my early thesis draft.

I also benefited by the spirit and inspiration from my colleagues at the Department of International Relations, UGM. Thanks to Prof. Mohtar Mas'ood, Prof. Ikhlusal Amal, Prof. Yahya Muhaimin, Prof. Budi Winarno, Ilien Halina, Dr. Siti Setiawati, Siti Khoiriyati, the late Dr. Samsurizal Panggabean, Dr. Poppy Winanti, Dr. Dafri Agussalim, Dr. Eric Hiariej, Dr. Dedi Permadi, Dr. Annisa Srikandini, Dr. Nur Yuliantoro, Dr. Nanang Mugasejati, Dr. Riza Arfani, Muhadi Sugiono, Dr. Diah Kusumaningrum, Dr. Maharani Hapsari, Muhammad Rum, Ririn Nurhayati, Atin Prabandari, Titik Firawati, Yunizar Adiputera, and Suci Yuana. In particular, I also benefited by the support of Ayu Rachmawati, Raras Cahyafitri and Ahmad Umar on giving some valuable reflections about my thesis project.

During my fieldwork in Jakarta, Yogyakarta, and Singapore, several individuals have provided their supports. Thanks to Yuyun Wahyuningrum at the Human Rights Working Group, Indonesia, Abie Zaidannas and Ezka Amalia at ASEAN Studies Centre, UGM, Shiela Rizkia and Jhendra Samodra at the Indonesian Ministry of Foreign Affairs, Dr. Farish Noor at the S. Rajaratnam School of International Studies, Nanyang Technological University. I am also thankful to all of my respondents (i.e. those listed in the Appendix A) for accepting my request and taking the time to share their information and reflection.

I am also extremely grateful to my family: my father, Bambang Hariyanto, and my mother, Betty Pramindari, for their love and support, as well as the encouragement from my parents-in-law, Sutejo and Mariyani. I also thank the support of my brother, Hardy Prayogo. To my wife, Shinta Indahayati, and daughter, Arete Aryashamita Nandyatama, without whose love and care this doctoral study would not have been completed. I dedicate this work to three 'angels' in my life – my mother, my wife and my daughter.

Melbourne, December 2018

Randy W. Nandyatama

Chapter I:

Introduction

Searching for the ‘unsung hero’: Civil society organisations in ASEAN?

The Association of Southeast Asian Nations (ASEAN) is the primary intergovernmental regional institution in Southeast Asia. The Association was created by five original member states, namely Indonesia, Malaysia, Singapore, Thailand and the Philippines, through the signing of the Bangkok Declaration in August 1967. It expanded its organisation to include Brunei Darussalam, Vietnam, Laos, Myanmar, and Cambodia, resulting in a total membership of ten member states. In 2007, the Association adopted the ASEAN Charter, marking one of the most significant changes in the region. Generally deemed to be ‘weakly institutionalised’ during the Cold War period, ASEAN has been characterised by new aspirations in building a sense of community and establishing a more structured, institutionalised, and rules-based system (Acharya 2009a, 493; see also Narine 2002; Weatherbee 2015). Institutionalisation, as the process of building shared norms and collective practices binding ASEAN member states to a set of principles, represents an important development in the region. This process is particularly evident in relation to the issue of human rights. Long seen as a sensitive issue in the region, the Charter referred to human rights as one of the core principles of ASEAN. After adopting its Charter, ASEAN leaders established the ASEAN Intergovernmental Commission on Human Rights (AICHR) in 2009 and adopted the ASEAN Human Rights Declaration (AHRD) in 2012, demonstrating the increasingly formal institutionalisation of human rights in the region (ASEAN 2007; see also Chalermpanupap 2009; Ciorciari 2012; Collins 2013, 81-83; Frost 2008; Tan 2011).

ASEAN’s progress in institutionalising human rights has been described as an ambitious plan for reform to ‘pursue liberal agendas’ in facing post-Cold War challenges

(Katsumata 2007, 34). However, while development of the ASEAN Charter and AHRD signals a dramatic shift in regional institutionalisation of human rights, we need to also acknowledge the apparent inability of ASEAN to provide real proactive human rights protection at the grassroots level. ASEAN, including AICHR, does not have a mandate to independently ‘investigate cases brought by private citizens’ or ‘issue judgments against states’ that commit human rights violations in the region (Ciorciari 2012, 714-15; see also Kelsall 2009). This ambivalent development signals, to a certain extent, a crucial limitation in the wider ASEAN projects. Davies (2014a, 122) notes, the current ‘rhetoric-action gap’ in human rights issues demonstrates the ‘diversity of beliefs around human rights’ within ASEAN, a potential stumbling block to wider regional integration (see also Davies 2013a, 209; Narine 2012). Jetschke and Rüland (2009, 182-83) even argue that ASEAN’s reform agenda merely signals ‘institutional isomorphism’.

Against the backdrop of this empirical puzzle, we can see a growing scholarly work trying to disentangle it. Jetschke (2009, 407), for instance, argues that ASEAN’s institutional development ‘reflects a concern for international legitimacy and less an objective functional demand’ arising from within the member states and the process of ‘mimicking the European integration process’ was only targeted at creating rhetorical goals of cooperation but with no real commitment for actual achievements (see also Allison 2015; Katsumata 2011). Nevertheless, whereas the existing literature focuses on understanding the institutionalisation process in the region with reference to how ASEAN member states react to external norms projection, it is important to dissect the myths associated with the process (see Guzzini 2000; Price and Reus-Smit 1998; Wiener and Puetter 2010). The two major concerns in here are the overly state-centric framework of much ASEAN analysis and the need for recognising the often-underappreciated broader range of the engagement of political actors in the region, particularly civil society organisations (CSOs).

Some scholars point to the possibility of ‘participatory regionalism’ in Southeast Asia, where ‘democratisation in Southeast Asia is reshaping [ASEAN]’ by opening space for CSOs (see Acharya 2003, 388). However, others are sceptical about this prospect, given the strong state-centrism of ASEAN’s institutional design, historical remnants of mistrust among its member states, and the seemingly limited space for involvement of CSOs in ASEAN (Asplund 2014; Beeson 2009; Gerard 2014a, 2015; Jayasuria and Rodan 2007a; Roberts 2012a). Gerard (2015), for instance, notes the strict process for accrediting regional CSOs’ networks and insubstantial interface meetings between CSOs and government officials, signalling the limits of CSOs’ role in ASEAN. In contrast, this thesis explores the ways in which some CSOs in ASEAN member states, specifically Indonesia, have been increasingly engaging with ASEAN to shape the regional institutionalisation process. In fact, I argue that the forms of advocacy employed by CSOs is an increasingly significant feature of international politics in Southeast Asia, increasing the complexity of normative dynamics within ASEAN which form a crucial point of analysis in this research.

Indeed, this thesis recognises the historical specificity of ASEAN, such as the Association’s *raison d’être* during the Cold War, and its impact on intramural relations among political actors in the region. Accordingly, it neither seeks to disregard the prevailing predominant position of member states in the regional institutionalisation process nor suggest the demise of their power within ASEAN. Rather, this thesis underscores the need to take a wider view of the political landscape to understand the dynamics of the ASEAN institutionalisation process (see Chandra 2006; Igarashi 2011; see also Bøås, et al. 2003, 201; Söderbaum 2013). Within the increasingly open political space in ASEAN, CSOs can take advantage of the greater opportunity for engagement with other political actors and create networks of collaborative or competitive action in advocating human rights norms and practices in the region.

Nonetheless, CSOs' engagement in ASEAN is not well explained by the existing scholarly literature on ASEAN. The dominant research on ASEAN all too often focuses on power politics as the driving force of the regional institutionalisation process (Beeson 2009; Emmers 2012; Goh 2012; Khong 2004; Leifer 1989, 1999; Tarling 2010). While these scholars often take the institutionalisation of ASEAN into consideration, they primarily link it with the states' interests in maintaining the balance of power in the region. This overlooks a deeper process of institutionalisation, which reflects the sociological aspect of norm dynamics and the more complex picture of various non-state actors' engagement in the region. Moreover, whereas we can also see growing scholarly interest in understanding non-state actors' engagement with ASEAN and their role in ASEAN, such as Chandra (2006, 2009), Collins (2008), Gerard (2014a, 2014b, 2015), and Nesadurai (2009, 2012), these works often focus on particular forms of CSOs' advocacy patterns and fail to locate the myriad different CSOs in the bigger picture of normative development of ASEAN. Nesadurai (2012), for instance, argues that CSOs' activities, especially within the ASEAN Peoples' Forum, signal an unorthodox approach towards the existing state-led ASEAN regionalism, challenging the dominant regional framework. However, while this narrative is becoming increasingly popular among a wider group of scholars, we should be wary of overgeneralising the relationship between CSOs and other actors in ASEAN as always being adversarial and missing the nuances of the myriad CSOs' involvement in the institutionalisation of human rights in the region.

This thesis attempts to provide a better understanding of the institutionalisation of human rights in ASEAN, particularly in carefully analysing how CSOs engage with other relevant political actors and ASEAN in shaping the normative dynamics of human rights in the region. In unpacking the abovementioned question, I focus on a single case study analysis of Indonesia in this research. Recognising its position as the *primus inter pares* in ASEAN and the record of increasingly vibrant CSOs along with the demise of the Suharto's authoritarian

regime (Acharya 2001; Anwar 1994; Emmers 2014; Rüland 2018a; Smith 2000; Weatherbee 2013), an examination of the wide array of Indonesian CSOs' engagement with each other and with ASEAN member states on regional human rights issues gives crucial insights for the detailed picture of norm dynamics in ASEAN and the wider dynamism in Southeast Asia (see further elaboration in the research method section).

Indeed, we cannot assume that ASEAN takes all Indonesian CSOs' voices into account during the process of building shared norms and forming regional human rights mechanisms. A careful examination of various Indonesian CSOs' modes of engagement in the region and their link to human rights norm dynamics in ASEAN is needed. In doing so, this thesis draws from constructivist International Relations (IR) approaches in understanding the nature of institutionalisation processes in ASEAN and how political actors interact with existing mechanisms in socialising new norms in the region. As Onuf (1998, 59) argues, 'social relations make or construct people—ourselves—into the kinds of beings we are'. Political actors, thus, will never internalise certain collective norms without socialisation—the active intersubjective process of agreeing to a mutual interpretation of social reality and expected ways of acting against such reality. However, socialisation is often narrowly seen as a linear political process where institutions or dominant actors within institutions try to transmit norms to new members (see Johnston 2001, 494-95; Stryker and Statham 1985, 325). Rather underplayed in the existing literature is the possibility of a socialisation process where new political actors can successfully wield their power to create intimate interactions with others and result in a conducive environment for turning some projected norms into being shared and taken for granted among broader actors within the institution. This thesis specifically underlines this wider understanding of the socialisation process, particularly in sensing the norm dynamics within ASEAN in a much comprehensive way.

Several prominent scholars have contributed to constructivist IR analysis of ASEAN. Acharya, for instance, proposes the logic of *norm localisation* in ASEAN. He argues that the Association's institutional progress is the result of member states engagement in a 'long-term and evolutionary assimilation of foreign [norms]' with regional norms which does not 'extinguish the cognitive prior of the norm-takers but leads to its mutual inflection with external norms' (Acharya 2004, 250-51). This logic is notably adopted and expanded by other scholars in understanding ASEAN, such as Allison (2015), Bellamy and Drummond (2011), Capie (2008), and Eaton and Stubbs (2006). However, while these constructivist scholars have laid a useful foundation for comprehending the reality of international politics as a product of intersubjective social construction, they often focus primarily on the primacy of member states in ASEAN norm dynamics. Consequently, this thesis advances existing constructivist IR research on ASEAN. It carefully investigates the normative dynamics in ASEAN and power relations among a wider range of political actors in the region. Specifically, I adopt a Bourdieu-inspired constructivist IR perspective to make sense of the nature of the process of human rights institutionalisation in ASEAN and to investigate power relations among Indonesian CSOs, the Indonesian government, and ASEAN within the process.

This approach enriches the analysis of ASEAN in two ways. First, utilising Bourdieu's field theory, this thesis demonstrates that the institutionalisation of human rights in ASEAN is not a linear process of formalising member states' interests. Rather, the institutionalisation process is the manifestation of a sociological sense of norm dynamics in the region and the nature of such process in ASEAN is closely linked with the existing *doxa*, the set of pre-reflexive norms which dominate the field of interaction in the region (see further detailed of this concept in Chapter II). In ASEAN, the central *doxa* are respect for member states' sovereign equality, non-interference, consensus, pacific approach to problems, and incrementalism; and these *doxa* are maintained through the regular diplomatic practices of

member states in the region. Second, the dominant *doxa* in turn structure the field of ASEAN, particularly by laying out the logic of recognition that shapes power relations among political actors in the region.

Within the case of Indonesia, this thesis explores three in-case variations of domestic CSOs involved in ASEAN human rights issues, namely the Centre for Strategic and International Studies (CSIS), Komisi untuk Orang Hilang dan Korban Tindak Kekerasan [the Commission for the Disappeared and Victims of Violence] (KontraS), and the Human Rights Working Group (HRWG). It identifies three patterns of Indonesian CSOs' engagement with the Indonesian government and ASEAN in influencing human rights institutionalisation process in the region, namely *supportive* (exemplified by CSIS), *critical* (exemplified by KontraS) and *adaptive* (exemplified by HRWG).

Indeed, it is difficult to strictly define and categorise the wide array of Indonesian CSOs' engagement. Whereas CSIS' engagement is characterised here as *supportive*, this does not mean that CSIS never criticises the government. Nevertheless, within the spectrum of Indonesian CSOs' engagement with ASEAN, CSIS represents one of the most supportive efforts to give assistance to the Indonesian government and ASEAN in institutionalising human rights norms according to the existing mechanisms. Similarly, this thesis claims that KontraS' engagement pattern is *critical*, signifying its active emphasis on public protests to the Indonesian government and ASEAN in pushing the adoption of universal human rights standards. In contrast to CSIS and KontraS, HRWG signals a pattern of *adaptive* engagement. HRWG is basically a critical Indonesian CSO; yet at the same time, it has been gradually demonstrating an adaptive approach to ASEAN dominant mechanisms in its regional human rights advocacy efforts, moving across the spectrum from critical to slightly more supportive to ASEAN.

Ultimately, in examining Indonesian CSOs' engagement with Indonesian government officials and ASEAN, this thesis does not claim to either generalise all CSOs' engagement patterns in Southeast Asia or make a claim about the preponderant role of CSOs over all other actors in ASEAN. Moreover, while respecting scholars who elaborate the role of international actors and organisations, such as the European Union (EU) and the United Nations (UN), in socialising human rights to the region, I will argue that this is an insufficient explanation of the dynamics of human rights institutionalisation in ASEAN (cf. Jetschke 2009, 2013; Jetschke and Murray 2012; Rüland 2000, 2018b). As ASEAN has its distinct *doxa*, external norms are not adopted spontaneously by member states. Instead, it is essential to examine intermediary actors inside the region, particularly through their power relations with member states during norms socialisation process. In addressing this issue, this thesis provides an analytical basis for understanding the practices of wider internal actors within the region in engaging with human rights issues in ASEAN and the more complex relationships and perceptions among actors in the region than previously thought by ASEAN scholars. To do this, this thesis undertakes detailed analysis of various Indonesian CSOs' normative positions and power relations in the region as well as their role in shaping the dynamics of ASEAN regionalism, particularly on human rights issues.

Research question and scope

Central to this thesis is answering the main research question: *how do civil society organisations (CSOs) engage with ASEAN in shaping the institutionalisation of human rights norms in the region?* In tackling this question, this thesis focuses on a case study analysis of Indonesia and considers three aspects, namely: understanding the nature of the human rights institutionalisation process within ASEAN; analysing how Indonesian CSOs engage with other actors in socialising human rights norms within the field of ASEAN; and drawing out the

implication of various Indonesian CSOs' engagement on the normative power dynamics in the region. Each of these aspects will be addressed in subsequent chapters in this thesis.

In answering the abovementioned research question, it is important to define the key concepts of this study, particularly the scope of ASEAN regionalism and CSOs that feature in this study. Along with the rapid emergence of regional projects worldwide, we can see the rise of scholarly interest in regionalism as an important feature in contemporary international politics (see Buzan and Wæver 2003; Hettne and Inotai 1994; Hurrell 1995; MacLeod 2001; Katzenstein 2007). There are various ways of understanding regional institutions. While early studies, such as Nye (1968), simply denote regionalism as the political project of forming interstate groupings based on geographical relations and mutual interdependence, contemporary studies on regionalism focus on making sense of 'region-ness' in the regionalism process. According to Hurrell (1995: 38-39), the essential point in comprehending regionalism lies not in reaching agreement among member states, but how they perceive and interpret 'region', emphasising its characteristics as socially constructed and politically contested. This conceptualisation is clearly transformative. Within this paradigm lies the understanding that a regional project will depend on the existence of active interactions in building a sense of shared commonalities, including norms and beliefs (Evans 1996, 11; Tarling 2006, 8-9). As a result, ASEAN regionalism can be understood as a reflection of a set of collective understandings and shared norms; and its formation signalled the ability of member states to reconstruct collective norms from the adaptation of external norms to the existing prior local norms (Acharya 2004).

Specifically, this thesis strives for a comprehensive account of the actors involved in ASEAN regionalism processes, particularly *beyond* the focus on the member states. This perspective sits within the broader context of how ASEAN exemplifies the existence of the 'new regionalism', which emphasises the development of a regional institution that is more elusive and shaped by a wider range of concerns and initiatives from complex networks of state

and non-state actors in the globalised world (Hettne 2003; see also Chandra 2004, 2006; Nair 2008; Nesadurai 2009; Palmujoki 2001). As Hettne (2003, 23) argues, it is important to be critical in sensing new features of the regionalism process and differentiating between ‘old regionalism’, which is dominated by state-led mechanisms and the economic aspect of cooperation, and ‘new regionalism’, which reflects a more complex political process beyond the Westphalian state-system with more consideration of the role of non-state actors (see also Hettne 2005; Nair 2008).

More importantly, the new regionalism paradigm clearly highlights the scope of regionalism as a self-consciously pursued political project among wider political actors in the region in increasing interactions and closer transnational ties, emphasising the sense of active relationships among them. This is certainly relevant for examining the dynamic of ASEAN regionalism in the post-Cold war period, particularly in interpreting a more elusive pattern of wider society engagement in creating and transforming the collective norms in the region. The ‘democratisation process [in the region] during the late 1980s and 1990s’ has undoubtedly provided an initial context for paving the way for increasing demands to analytically probe the actual possibility of ‘participatory regionalism in Southeast Asia’ (Acharya 2003, 376).

Moreover, it is also necessary to define the notion of ‘civil society’. Lee (2004, 1) argues, for example, that civil society is an ‘essentially contested concept’ and its application is often subject to intense and endless debate (see also Purdue 2007; Seligman 1992). In fact, scholars tend to regard CSOs as an amorphous concept that can be altered to fit several emphasises and meanings. These meanings range from an exclusive association with non-governmental organisations (NGOs) to a broader definition which includes various entities that engage in voluntary activism with (often liberal) ‘civility’ characteristics, such as tolerance and openness (Scholte 2014; see also Edwards 2004; Gellner 1996; Kaviraj and Khilnani 2001; Willetts 2011).

The aforementioned context is clearly apparent in the context of ASEAN. Scholars in ASEAN studies usually focus on a certain CSO (or a network of CSOs) in order to frame a distinct narrative, aiming to promote certain interests deemed to be ‘intellectually interesting and politically helpful’ for some groups (Scholte 2014, 10). We need to be cognisant and cautious as this practice itself generates a distinct political implication for ASEAN (see context in Chapter VI). For example, despite Lee’s (2004, 12) claim that ‘from 1970s onwards countries like Singapore, Thailand, Indonesia ... began to undergo major social, cultural, and economic transformation’ which marked how a ‘new social movement began to emerge in civil societies in Southeast Asia’, we see little attention given by ASEAN scholars to CSOs’ role in ASEAN. Early research on the role of CSOs in ASEAN exclusively focused on the role of think-tanks, such as CSIS and the ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS)—a regional network of which CSIS is a founding member (see Caballero-Anthony 2006; Hernandez 1999, 2006; Kraft 2000). While illuminating how CSIS and ASEAN-ISIS perform as a crucial actor in advocating ideas to ASEAN, these scholars often generate a skewed picture of the map of CSOs in the region, neglecting a wider array of CSOs which also engage with the Association.

Realising the limitation of the application of the notion of ‘civil society’ in the existing ASEAN literature, this thesis underlines the need to be sensitive in analysing empirical practices of the political relationships of a wider range of non-state actors in Southeast Asia, particularly in analysing their political activism in advocating regional issues. As such, this thesis adopts Scholte’s (2014, 20) description of civil society as ‘a political sphere where associations of citizens seek, from the outside political party and market system, to shape the rules that govern social relations’ (see also Clarke 1998; McGann and Weaver 2006). Here, CSOs are denoted as both ‘space’ (since the form of political associations emerge and act in a distinct medium between formal apparatus and market system) and ‘political actor’ (with

dedication to advocating certain ideas/norms to the related authority). More importantly, this definition allows us to define several characteristics of CSOs, as follows: firstly, CSOs must reflect a sense of agency and independence; secondly, CSOs in essence are political projects in advocating values in a society (including with the authority); and thirdly, CSOs are also sites of deliberation in regard to normative positions and political actions (Edwards 2004; Keane 1988, 1998; Putnam 1993; Scholte 2014). Indeed, this conceptualisation might seem not groundbreaking, particularly as it can be deemed to have liberal tendencies; yet, defining CSOs in this way enhances our ability to pay attention to the broad range of engagement patterns and to make sense of Indonesian CSOs' contribution in shaping ASEAN human rights agenda.

This thesis is structured along the abovementioned conceptual lines, especially in focusing on the engagement of the various Indonesian CSOs with relevant political actors in ASEAN on human rights issues. Specifically, through adopting Scholte's conceptualisation of CSOs, this thesis analyses Indonesian CSOs' actions in engaging with other political actors on regional human rights issues. Through this analytical lens, this research not only acknowledges the importance of exploring the dynamics of regional norms, but also enables a deeper investigation of Indonesian CSOs' agency in socialising human rights norms in the region (see Hettne 2005, 544; Nair 2008). This approach sheds more critical light on the agency of CSOs in stimulating regional norms and the socialisation process. It is expected that the emphasis on carefully assessing a wider array of Indonesian CSOs can facilitate the mapping of Southeast Asian CSOs' normative engagement with ASEAN and a robust analysis of their role in human rights institutionalisation in the region.

Research contribution

This research project makes two primary contributions to the literature. Firstly, it illustrates the need to move beyond the state-centric analyses of human rights institutionalisation in ASEAN.

It is clear that the early establishment of ASEAN regionalism was predominantly based on Southeast Asian elites' closed-door communication in order to preserve their preponderant power in maintaining regional peace and stability. State-centrism has thus been the most defining structure of ASEAN member states' logic regarding behaviour and the nature of ASEAN's institutional design (Acharya and Stubbs 2006; see also Beeson 2009). However, adopting a state-centric analytical perspective obscures the complex role non-state actors play in reinforcing, modifying or challenging the attitude of ASEAN member states to the adoption of human rights norms. This thesis specifically recognises a broader range of political actors which engage with and shape ASEAN politics than is usually accounted for in the literature.

Indeed, some scholars have observed the emergence of contemporary CSOs' activism in Southeast Asia. These scholars seek to make sense of both the CSOs' advocacy in regional issues and the development of ASEAN in embracing CSOs. However, there are seemingly two scholarly camps on CSOs in ASEAN. On the one hand, some researchers focus on a certain form of CSOs with close relations with ASEAN elites (see Hernandez 1999, 2006; Kraft 2000; Soesastro, Joewono, and Hernandez 2006a). Hence, they often simplify the map of CSOs and overemphasise the form of CSOs which have amicable interactions with ASEAN. On the other hand, some other researchers often focus on a certain form of CSOs with a strong animosity towards ASEAN member states (see Chandra 2006, 2009; Gerard 2013, 2014a; Rüland 2014). As a result, they often overemphasise the hierarchical aspect and adversarial position of the state vis-à-vis CSOs. Both camps, in turn, provide partial explanations in the study of ASEAN regionalism, including in human rights issues. This leads to the risk of neglecting the complexity of various CSOs' agential relationships with other relevant actors and the more complex norm dynamics in the region.

This thesis aims to provide a robust conceptual basis for discerning different modes of CSOs' engagement with ASEAN. By adopting Bourdieu's field theory and focusing on power

relations among wider political actors, it demonstrates the utility of this approach for the analysis of ASEAN regionalism. In doing so, it strives to provide a detailed analysis of the ways in which Indonesian CSOs engage with other actors in the region in facing the dominant existing norms in the region and shaping human rights norm dynamics in ASEAN. This will demonstrate that a broader range of political actors engage in stimulating norm dynamics in the region and add to our understanding of the complexity of the institutionalisation of human rights in ASEAN.

Secondly, this research responds to the need for an alternative participatory framework to advance ASEAN's regionalism. Acharya (2003) notably signals the dawn of a much more participatory tendency in ASEAN regionalism. He argues that along with 'democratisation in the Philippines, Thailand and more recently Indonesia, the ASEAN model of elite-centric regional socialisation has been challenged' and 'the civil society in the region demands greater openness in Southeast Asian regionalism' (Acharya 2003, 375; see also Chandra 2006; Gerard 2014b; Uhlin 2016). However, before arriving at an appropriate approach to participatory regionalism in ASEAN, we need a clear understanding of the power dynamics in the field of ASEAN. At present, contemporary research on ASEAN regionalism has frequently focused on ASEAN's institutional design, rather than the dynamics of institutional transformation. Many existing scholarly works on ASEAN attempt to explain the logic of the regional institutionalisation process by focusing on instances of institutional problems as well as undertaking comparisons with other regional projects outside Southeast Asia (Cockerham 2010; Jetschke 2009, 2013; Jetschke and Murray 2012; Jetschke and Rüland 2009; Tay 2001). This has led to disproportionate attention on the pathology of ASEAN regional mechanisms rather than other aspects, for example, the norms socialisation process among wider relevant political actors in the region.

Furthermore, there is little examination on detailed practices of how political actors signal their actions and narratives in socialising norms and shaping the ASEAN institutionalisation process. By focusing on political engagement and advocacy between Indonesian CSOs and ASEAN, this thesis aims to understand the diverse mechanisms of how CSOs can contribute or add complexity to regionalism process. Emphasis on the detailed empirical evidence of the practice of CSOs' engagement with other actors in the region allows a much more sensitive analysis of how their activities are embedded in norm dynamics in the region and the complexities that might be created in the process of human rights institutionalisation in ASEAN. This can certainly lead to a more holistic view of the link between Indonesian CSOs' advocacy and the ASEAN institutionalisation process and a more attentive view towards these CSOs' activities in ASEAN's political sphere. Consequently, through this research, Indonesian CSOs' relationships with other relevant actors in the region can be better understood. Furthermore, this research aims to push beyond the dominance of state-led mechanisms and facilitate more exploration of 'bottom-up' processes in ASEAN regionalism studies, highlighting the nuanced context in ASEAN's current progress in advancing its institutionalisation process and the possibility of meaningful participatory regionalism in Southeast Asia.

Research method

This study adopts a Bourdieu-inspired constructivist IR perspective as an analytical framework to probe empirical data in Southeast Asia. In doing so, it utilises a case study method, exploring political dynamism within Indonesia. Recognising the conventional wisdom of how Jakarta is generally accepted as the leader and reformer in ASEAN (see Anwar 1994; Tan 2013a) and the record of democratisation in its foreign policy including in embracing the growing CSOs' voices in regional issues (see Poole 2015a; Rüland 2009), the focus on Indonesia (and its

domestic CSOs) illuminates the broader phenomena of the ways in which CSOs can engage with other actors in the region in advocating regional human rights. Despite refraining from making an authoritative claim for the whole picture of ASEAN, the case study method in this research allows deep exploration of Indonesian CSOs' engagement in ASEAN human rights issues and produces insights which can shed light on the larger realm of CSOs' human rights advocacy in Southeast Asia.

A case study approach enables the researcher to focus on a designated 'individual, group, community or event, and study it in-depth' (Burnham, et al. 2008, 63). This qualitative analysis implies an emphasis on discovery, and the objectives are often about holistically interpreting complex social phenomena through an up-close examination of a key specific representation (i.e. the case) and its related contextual conditions (Gerring 2006, 50; see also Denzin and Lincoln 2008; Merriam 2009). Moreover, as this involves 'the detailed examination of an aspect of a historical episode to develop explanations' (George and Bennett 2005, 5), this approach will be useful in examining Indonesian CSOs' detailed advocacy actions and possible transformations in their engagements with ASEAN on regional human rights issues.

Specifically, the case study approach taken in this thesis is deliberately drawn from the tradition of constructivist IR research, particularly in facilitating a better exploration of agential relations and normative interactions among political actors (Pouliot 2007; see also Klotz and Lynch 2015). This approach suits the spirit of Bourdieu's field theory in gaining deeper understanding of the overarching normative structure of political interactions in the region and being more sensitive towards the everyday practices of political actors' power relations as part of their effort in advancing their normative positions to other actors. As such, the case study of Indonesia is aimed at generating extensive data collection for comprehending two essential aspects: first, the nature of ASEAN human rights institutionalisation process and the role and power of member states, specifically Indonesia, within such process; second, the ways in which

Indonesian CSOs build power relations with other actors in the region and socialise human rights norms to ASEAN.

Relatedly, this study specifically investigates the role of Indonesian CSOs within the targeted series of human rights-related political milestones spanning from ASEAN's initial inclusion of human rights concern in 1993 to the AHRD in 2012. Here, this research tried to draw on Guzzini's (2017) emphasis on taking some useful insights from non-positivist process-tracing methodology, particularly in understanding the nature of historical events as interconnected with various political actors, and as interpretable. In doing so, this research diverted from the focus of only collecting historical evidence and making causal inferences. Instead, this thesis realised the value of understanding how particular events are reflexively viewed by political actors involved and, in turn, pushed them to act politically, generating a better picture of the role of particular groups within certain historical events (Guzzini 2017; see also Pouliot 2015). In probing the Indonesian government's and ASEAN's progress in human rights and linking this with various Indonesian CSOs' engagement strategies, it is expected that a more informed understanding of the connection between regional norm dynamics and CSOs' norms socialisation in ASEAN can be generated.

Some scholars employing constructivist IR approaches, particularly within the practice theory tradition, emphasise ethnographic observations of the targeted social setting as the best method for examining shared knowledge and social change from the view of everyday political actors' practices (Neumann 2002, 2012; Schatz, 2009). In contrast, my research envisages in-depth analysis of political actors' power relations and normative interactions in the region, gathered through interviews of research participants' reflections on their environment recognition process as well as media statement compilation (see Guzzini 2000, 2013a, 2017). The adoption of Bourdieu's field theory in enriching constructivist IR analysis of ASEAN is not aimed at building simplified general systems of theory, but instead serves as a theoretical

point of departure to focus on understanding political actors' perspectives of the existing field of ASEAN, as well as exploring how they reproduce and change existing norms in the region (Epstein 2008; Guzzini 2000, 2013b; Williams 2007).

The empirical analysis for this thesis draws on 52 semi-structured interviews with the research participants. In gathering research participants, I utilised 'purposive sampling', a process whereby the research sample of participants is identified according to their ability to answer the research questions (Hesse-Biber and Leavy 2011; Patton 1990, 169). Purposive sampling allows researchers to capture and describe the central themes that emerge during interviews. The research participants of this thesis can be grouped into three broad groups: first, relevant CSOs' staff members, such as the director, coordinator for advocacy, and related persons who deal with ASEAN human rights issues; second, Indonesian government officials from the Ministry of Foreign Affairs (MOFA) who specialise in ASEAN and human rights issues; and third, ASEAN analysts from various universities and independent activists who have engaged with and followed the progress of the institutionalisation of human rights in ASEAN. Interviewing members of these three groups provides various reflexive narratives from different actors on the practice of human rights normative engagement among actors in ASEAN. The format of the semi-structured interview is chosen as it can capture broader contexts which are relevant to each participant and explore the participant's experience and views of reality (Denzin and Lincoln 2008; see also Rubin and Rubin 1995). The open-ended format allows for unprepared questions to emerge during the interview and supports the development of trust between the targeted interviewee and researcher. Moreover, in obtaining additional sources for the purpose of data saturation, I relied on the 'snowballing' technique through which some interviewees referred to other participants.

Within the case of Indonesia, this thesis analyses three in-case variations of Indonesian CSOs, namely CSIS, KontraS, and HRWG. These entities are chosen as they represent three

different Indonesian CSOs' engagement patterns with ASEAN in regional human rights issues (further detailed information on their engagement patterns will be elaborated in Chapter V and VI). Indeed, there are other Indonesian CSOs and human rights activists that contribute to the institutionalisation of human rights in ASEAN beyond the abovementioned three CSOs. Marzuki Darusman, for example, has been actively socialising human rights norms through personal connections with ASEAN leaders, his network through the Working Group for an ASEAN Human Rights Mechanism, and Human Rights Resource Centre for ASEAN (Gomez and Ramcharan 2012; Munro 2011; Rüländ 2009; Working Group for an ASEAN Human Rights Mechanism 2008; see also a brief elaboration of this network in Chapters III and IV). However, Marzuki Darusman's regional human rights advocacy can be regarded as similar (or at least closely related to) CSIS' engagement pattern with ASEAN. Further information of other CSOs with similar engagement patterns will be elaborated in the discussion of each type of CSOs' engagement in this thesis.

The three selected Indonesian CSOs are actively engaging ASEAN in differing ways with different approaches. Thus, it is essential for this thesis to rigorously examine and understand how these Indonesian CSOs engaged in and affected ASEAN human rights agenda. The first CSO is CSIS, based in Jakarta, Indonesia. As one of the most prominent international issues-focused CSOs in Indonesia, CSIS is striking in that it has access to ASEAN as a member of the network of ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS), and close personal connections with senior Indonesian elites and diplomats in the region (Hernandez 1999; Stone 2011; Wanandi 2006). The second CSO is KontraS, which gained notable recognition as one of the most active CSOs in advocating human rights concerns in Indonesia and Southeast Asia. KontraS has a strong critical position, especially in acknowledging its longstanding history in pushing an alternative platform for CSO advocacy in regional human rights issues (see Lopa 2012; Gerard 2014b; see also Ginbar 2010). The

third CSO is HRWG, which was created as a task force for Indonesian CSOs' international advocacy, including to ASEAN. Yet, beyond being international advocacy-focused CSOs, HRWG represents a unique example due to its relations with the Indonesian government from its former director's position as the Indonesian representative for the AICHR.

Moreover, whereas IR studies which utilise Bourdieu's works generally focus on detailed practices of political interactions among actors at a certain event, this research takes a different approach (cf. Adler-Nissen and Pouliot 2014; Hansen 2011; Voeten 2011; Williams and Neumann 2000; see also elaboration in Chapter II). Most of the existing Bourdieu-inspired IR scholarly works are conducted in a relatively open data access environment which is quite common in Western countries and international organisations. This context is certainly different from Southeast Asia. ASEAN researchers are often faced with limited data access to the detailed process within the Association, watered-down versions of published reports, and official statements laden with only harmonious rhetoric, signifying one of the hurdles of the development of non-Western IR theory (see Acharya and Buzan 2007). As such, this thesis attempts to find another way to gain a deeper comprehension in the field of ASEAN and its link to the progress of human rights institutionalisation in Southeast Asia. Moreover, rather than focusing on a particular event like some existing Bourdieu-inspired IR scholarly works (see Adler-Nissen and Pouliot 2014), the adoption of Bourdieu's field theory is utilised to shed light on Indonesian CSOs' normative identity and power relations in shaping the ASEAN human rights agenda throughout the post-Cold War period.

In order to gain better understanding of the detailed engagement practices of Indonesian CSOs, this thesis relies on semi-structured interviews, especially in identifying various normative positions on human rights and CSOs' symbolic power from gained recognition from other actors in the region. Nevertheless, gaining trust from and ascertaining the views of interviewees, regarding their experience in engaging with human rights issues in ASEAN, was

not always easy, especially as some participants still regard human rights issues as sensitive or constituting a foreign driven agenda. In Jakarta, one of my interviewees asked me about the purpose of my research and its source of funding at the end of the interview, as well as suggesting that I needed to be careful of foreign interests and intentions while researching human rights issues in Southeast Asia. This is indicative of both the difficulty in getting trust from the interviewees in sharing their perspectives on human rights as well as the evidence of normative debates on how to regard human rights norms and its institutionalisation progress in ASEAN.

During my fieldwork in Indonesia and Singapore between January and May 2016 and in Australia during 2017, I conducted 52 interviews with targeted participants. I interviewed 24 people from 14 CSOs, namely: CSIS (2 persons); KontraS (4 persons); HRWG (4 persons); ASEAN Youth Forum (1 person); Pusat Studi HAM Universitas Islam Indonesia [Human Rights Research Centre Islamic University of Indonesia] (Pusham UII) (1 person); Human Rights Resource Centre for ASEAN (HRRCA) (1 person); Lembaga Studi dan Advokasi Masyarakat [Institute for Policy Research and Advocacy] (ELSAM) (2 persons); International NGO Forum on Indonesian Development (INFID) (2 persons); Imparsial [the Indonesian Human Rights Monitor] (1 person); Forum ASIA (1 person); The Habibie Centre (2 persons); Working Group for an ASEAN Human Rights Mechanism (1 person); General Election Network for Disability Access (AGENDA) (2 persons); and Himpunan Wanita Disabilitas Indonesia [Indonesian Association of Women with Disabilities] (HWDI) (1 person). Although some CSOs I interviewed have a regional mandate, I specifically interviewed Indonesian-related officers and questioned them in the context of Indonesian CSOs' engagement with regional human rights issues.

Moreover, in gathering information on how internal member states and ASEAN perceive Indonesian CSOs' regional human rights advocacy, I interviewed 10 Indonesian

government officials, mostly from the Indonesian MOFA. They hold various relevant positions in relation to human rights issues in ASEAN, ranging from the Indonesian Ambassadors to ASEAN from different eras to a former Indonesian Foreign Minister. I also interviewed 18 analysts from various institutions: The Habibie Centre; Gadjah Mada University (UGM); S. Rajaratnam School of International Studies (RSIS); The Institute of Southeast Asian Studies (ISEAS-Yusof Ishak Institute); Lembaga Ilmu Pengetahuan Indonesia [Indonesian Institute of Sciences] (LIPI); and Antara (Indonesian news agency). This wide range of interviewees reflected not only a range of relevant political actors but a solid foundation for selecting CSIS, KontraS, and HRWG as representatives of Indonesian CSOs' human rights advocacy patterns to ASEAN. All interviews are digitally recorded and transcribed. The detailed information of the interviewees is elaborated in Appendix A.

Moreover, I also gathered supplementary sources to gain a general understanding of ASEAN regionalism and to support the interview data on various accounts of Indonesian CSOs' experiences in regional human rights issues. These supplementary sources were gathered from documented materials related to the targeted CSOs' advocacy, such as from activity reports, transcripts of agreements, and joint statements from available websites, as well as news articles from various regional and Indonesian media, such as *The Jakarta Post* and *New Straits Times*. I also collected reflections of some prominent CSOs' activists in published books, including some autobiographies, as well as gathered assessments and commentaries on CSOs' advocacy from the published scholarly literature. In further identifying the progress and evidence of human rights norm dynamics throughout the history of the development of ASEAN, I also collected formal statements and policy analysis made by ASEAN officials, the Indonesian MOFA, and relevant academics. These documents were carefully examined to strengthen the analysis of the interview data on the nuanced context of various Indonesian CSOs' advocacy patterns on human rights issues in ASEAN. Ultimately, as this research is

empirically driven, interview and supplementary data are gathered to achieve data saturation of the pattern of engagement of Indonesian CSOs in ASEAN human rights norms, according to the analytical framework of this thesis.

Thesis structure

This thesis consists of six chapters that are grouped into two parts. Part I (Chapters I, II and III) situates my study within the existing literature, establishes my research question and method, and sets out the analytical framework of this study.

This chapter (Chapter I: Introduction) has outlined the general overview of the thesis. It established the context of contemporary progress of human rights institutionalisation in ASEAN and the need to explore the Indonesian government and its CSOs in socialising human rights issues. While some scholars view this phenomenon with scepticism due to the state-centric nature of ASEAN and limited space for CSOs in the existing regional mechanisms, this chapter has outlined the research questions in relation to investigating the institutionalisation of human rights norms in ASEAN as well as the ways in which Indonesian CSOs engage with ASEAN in the process. Subsequently, this chapter has elaborated the significance of this research and definition of key terms. Moreover, this chapter has discussed the research method, including detailed data collection and limitations to data access and data availability.

Chapter II (Analytical Framework: The Practice of Norm Dynamics and Indonesian CSOs' Advocacy in ASEAN) explains the logic of the research, particularly in defining the underlying theoretical concepts and situating this research in the existing literature. In doing so, it analyses related scholarly literature, particularly the study of the institutionalisation of human rights in ASEAN and Indonesian CSOs' advocacy in ASEAN. Interweaving between the two areas of literature, the chapter argues that Bourdieu-inspired Constructivism IR is a robust analytical framework to tackle the research questions. In doing so, this chapter explains two analytical aspects: adopting Bourdieu's field theory to interpret the dominant normative

belief in the region and the dynamics of ASEAN norms, and conceptualising the notion of symbolic power for analysing power relations among and between Indonesian CSOs and other regional stakeholders.

Chapter III (Indonesia and Human Rights in ASEAN) explores the nature of the human rights institutionalisation process in ASEAN by reviewing its progress since the end of the Cold War. It provides an historical account of the evolution of the regional human rights mechanism within the field of ASEAN. More importantly, it elaborates the ASEAN *doxa*, which signals the dominant norms in existing ASEAN regional mechanisms, making links with Bourdieu's field theory from Chapter II. Moreover, this chapter also reviews the role of Indonesia in institutionalising human rights in the region. Drawing on ASEAN's human rights institutionalisation, this chapter highlights the Indonesian government's attempt to push the recalibration of ASEAN values in embracing human rights; yet at the same time, maintaining and respecting the ASEAN *doxa*. It also explores the linkage between the Indonesian government officials' cognitive beliefs and the opportunity and challenge for CSOs in socialising human rights norms in ASEAN.

Part II (Chapters IV, V, VI and VII) elaborates Indonesia CSOs' engagement in socialising human rights norms in ASEAN. It specifically engages in comparative analysis of the three CSOs. Each chapter deals with specific issues, as follows:

Chapter IV (Exploring Indonesian CSOs in the Field of ASEAN) shows two important explorations. Firstly, it indicates the existence of ASEAN political space and accounts for its transformation in responding to civil society engagement, including human rights issues. Secondly, denoting the rapid progress of ASEAN human rights mechanisms along with Indonesia's voice in pushing for regional human rights issues, this thesis explores the various Indonesian CSOs' normative identity formations during the critical post-Cold War period and Indonesian *Reformasi* era, and their distinct positions in the field of ASEAN. As such, it

exposes the Indonesian CSOs' different perspectives in engaging ASEAN, ranging on a spectrum from adapting to existing regional norms to utilising the space by critically engaging Indonesian officials and emphasising pressure on ASEAN.

Chapter V (Indonesian CSOs' Political Strategies for Advocacy) compares the various Indonesian CSOs' modes of action in advocating for a human rights agenda in the region. It identifies three typologies of Indonesian CSOs' political strategy in socialising human rights norms to other essential actors in ASEAN. The first pattern is *supportive* engagement which emphasised the logic of constructive engagement in ASEAN. This is demonstrated by CSIS in strenuously projecting its role as a trusted provider of new ideas and solutions for the Indonesian government in dealing with ASEAN problems. Second, the pattern of *critical* engagement in pushing for radical change in the way ASEAN adopts human rights is demonstrated by KontraS. KontraS focuses on criticising the weak progress of human rights institutionalisation in the region and zealously demands for a full adoption of universal human rights measures. Third, a pattern of *adaptive* engagement which emphasised the logic of transformation between critical and constructive engagement in adapting to ASEAN is shown by HRWG. Despite maintaining its position as a critical CSO, HRWG has gradually shifted its political strategy since 2009, especially in adopting a more supportive approach towards the Indonesian government and ASEAN for adopting human rights norms.

Chapter VI (Indonesian CSOs' Power Relations in the ASEAN Human Rights Agenda) investigates both the logic of each Indonesian CSO's power relations with the Indonesian government and ASEAN, as well as the link of such power relations with the ability of each CSO to shape the institutionalisation of human rights norms in the region. As such, it explores how the Indonesian government and ASEAN respond to each Indonesian CSO's human rights advocacy, and how this reflects the different pattern of power relations that each CSO has in relation to ASEAN (i.e. CSIS: supporting the ASEAN *doxa*; KontraS: acting against the

ASEAN *doxa*; and HRWG: flexibly adapting to the ASEAN *doxa*). Ultimately, this chapter demonstrates the complexity of Indonesian CSOs' advocacy which reflects forms of tension and collaboration among themselves and various reactions to the ASEAN *doxa* in socialising human rights norms in ASEAN.

Finally, Chapter VII (Conclusion) summarises the overall findings of this research and outlines the contributions of the thesis to our understanding of ASEAN regionalism and the institutionalisation of human rights within the Association. Whereas the international actors, such as EU and Western countries, can be deemed essential in the institutionalisation of human rights, its progress is not linear or simple. Through the adoption of Bourdieu's field theory in enhancing constructivist IR analysis, we can see a nuanced picture of how Indonesian CSOs engage with the existing ASEAN *doxa* and socialise human rights norms, signalling the various forms of power relations and normative interactions. Furthermore, this thesis suggests further directions for extrapolating the Bourdieu-inspired constructivist IR analysis in examining the roles and contexts of CSOs' advocacy on ASEAN human rights issues in other countries in Southeast Asia.

Chapter II:

Analytical Framework – Norm Dynamics and Indonesian CSOs' Advocacy in ASEAN

This chapter outlines the analytical framework for this thesis, defining the underlying theoretical concepts and situating this project in the existing literature. It begins by introducing this framework and identifying the related scholarly literature, particularly on the institutionalisation of human rights in ASEAN and the study of Indonesian CSOs' advocacy on regional human rights issues. The existing literature inadequately investigates the complex interactions among CSOs and other political actors in the region. In response, I argue that Bourdieu-inspired constructivist IR can provide a distinct analytical framework, particularly in creating a holistic understanding of how Indonesian CSOs shape ASEAN institutionalisation of human rights norms. Bourdieu-inspired constructivist IR helps us to make sense of the link between the social construction of regional norm dynamics and the ways in which Indonesian CSOs engage and build power relations with other political actors in the region in shaping the institutionalisation of human rights norms in ASEAN.

Specifically, Bourdieu's field theory focuses on how political actors in the region interact with each other and what are the dynamics that influence the normative interactions in a particular political setting. As such, this chapter explains two key elements of the analytical framework of my research: interpreting the existence of the dominant *doxa* in the region that shapes the dynamics of ASEAN norms, and conceptualising the idea of symbolic power in analysing power relations between Indonesian CSOs and other political actors regarding human rights issues in the region. It also discusses how these two elements help us explore and make sense of the pattern of Indonesian CSOs' advocacy strategy in pushing for the institutionalisation of human rights in ASEAN, which will be analysed and elaborated in the subsequent chapters.

Taking stock of Indonesian CSOs' advocacy and human rights in ASEAN

In understanding the connection between Indonesian CSOs' advocacy and the dynamics of ASEAN regionalism in human rights issues, this thesis utilises a specific conceptualisation of regional institutionalisation which carefully examines the existence and contribution of CSOs in the ASEAN institutionalisation process. However, we cannot assume that ASEAN spontaneously takes CSOs' voices into account in shaping regional human rights mechanisms. In order to assess the detailed political process in the region, this research draws on Bourdieu's field theory developed in IR, such as Guzzini (2000, 2013b), Epstein (2013), and Adler-Nissen and Pouliot (2014). By doing so, this thesis enriches the burgeoning scholarly work on the increasingly complex ASEAN human rights mechanisms (Ciorciari 2012; Collins 2013; Davies 2013, 2014b; Frost 2008; Poole 2009; Tan 2011). Therefore, I situate this research within the existing literature, especially contemporary research on ASEAN human rights institutionalisation and the broader constructivist IR research on ASEAN.

Institutionalisation of human rights in ASEAN

Within the study of ASEAN, human rights institutionalisation represents one of the most intriguing issues. There are various distinct approaches to studying these issues. These can range from focusing on the traditional aspect of the institution's legal-formal mechanism to focusing on wider political aspects, such as the normative beliefs of political actors within ASEAN. However, while legal analyses of ASEAN regional frameworks are valuable, they often underplay the importance of understanding political contexts within the Association, such as the struggles among political actors in influencing each other. As a result, it is important to examine the wider political dynamics in the region and utilise such assessment for illuminating the institutionalisation of human rights in ASEAN.

There are several noteworthy studies on ASEAN human rights institutionalisation which emphasise legal perspectives. These scholarly works generally focus on how ASEAN institutionalised human rights body in responding to the emerging global trend of championing international human rights laws and in establishing a distinct, albeit controversial, set of human rights mechanisms and practices in the region (see Doyle 2014; Durbach, et al. 2009; Phan 2012; Rathgeber 2014; Tan 2011). These studies specifically emerged in response to the progress of formal institutionalisation of ASEAN along with the global trend of more highly legalised regimes, such as the European Union (EU). As such, these studies focus on probing the quality of legal infrastructures, such as the adoption of human rights instruments and the existence of human rights bodies, as well as the compliance with the existing regulations within the regional institution which are believed to signify the probability of a successful regionalism process (Bantekas and Oette 2016, 290-91). Consequently, they tend to focus on the formal aspects of what ASEAN has achieved in relation to international human rights law and scrutinise ASEAN's institutional performance in implementing the ideal practices of human rights protection in the region.

While recognising the importance of evaluating the human rights aspects of ASEAN legal mechanisms, two important elements tend to be overlooked: the fact that international legal processes do not operate within a political vacuum, and the existence of normative debates which provide a more holistic picture of the actual process of human rights institutionalisation in the region. This thesis contends that in order to better understand the progress of human rights institutionalisation in ASEAN, it is not sufficient to focus on legal articles within the Association's formal documents. Instead, we need to focus on political contexts of ASEAN, employing an analytical lens through which to explore the complex and nuanced socio-political elements of norm dynamics in the region.

Nevertheless, IR studies on ASEAN institutionalisation process are not unified. Within the literature, there is a notably heated debate between organisational and sociological approaches. These approaches generate two different explanatory narratives that dominate the literature on the study of ASEAN, each providing different emphasis in understanding and defining the regional institutionalisation process in Southeast Asia.

From an *organisational* perspective, institutionalisation refers to the process of fostering the compliance of member states with collective rules and frameworks. This logic is closely linked with rationalist theorists' emphasis on the role of institutions in overcoming problems of coordination and collective action by facilitating a more reliable information exchange and creating a better coordination of member interests (Keohane and Martin 1995: 42; see also Keohane 1988, 1989; Lamy 2011). Accordingly, these researchers focus on how ASEAN member states calculate their strategies in agreeing to a set of regional rules based on their interests, bringing useful explanation of the existence of shared interest across ASEAN during its institutionalisation process (Giraldo 2010; Goh 2012). However, these researchers focus primarily on the strategic context of negotiations within ASEAN, rather than the politics underpinning those processes. For example, normative debates in the region and the incongruity between the ASEAN normative statements on human rights and their actual implementation are often overlooked in the organisational approach (see Jones 2015; Roberts 2012a). As a result, we need to further understand ASEAN beyond defining its member states' immediate interests and carefully assess wider aspects, including how member states' interests in human rights might change over time and how wider political actors formulate actions to human rights debates within regional mechanisms.

As an alternative to the emphasis on organisational issues, a *sociological* perspective refers to institutionalisation as a process of sharing perspectives and collective practices that bind all members in agreeing on a set of principles and mechanisms. This approach is often

understood as a response to the limit of the formal and organisational approaches to the regional institutionalisation process. Here, the sociological approach underlines the need to dig deeper beyond the focus on member states' interests and to untangle how those interests are closely connected with their identities within the institutionalist framework. This view can be traced back to the new institutionalist tradition which highlights 'practices consisting of recognised roles linked together by clusters of rules or conventions governing relations among the occupants of these roles' (Young 1989, 5; see also Ba 2012, 123; Rattanasevee 2014; Roberts 2012a, 2012b).

The sociological approach is important for this thesis, particularly in enabling a much more careful analysis of the regional institutionalisation process through complex dynamics between political interactions and regional norms. In adopting this approach, I envisage the core meaning of regional institutionalisation as a distinct process of *socialisation* of certain norms which drives members' behaviour in the international arena. As Ruggie (1998, 2; emphasis added) argues that institutionalisation is 'at minimum, a mutual intelligibility of behaviour together with the communicative mechanisms and organisational routines which make that possible'; and more importantly, institutionalisation process '*transforms behaviour by channelling it in one direction as opposed to all others that are theoretically possible*'.

The key point of Ruggie's (1998) argument is that the institutionalisation process reflects not only the complex calculation of interests, but also a more essential process of shared perspectives and collective practices among all members. Consequently, it is possible, in this framework, for actors to change their roles and internalise newly socialised norms. This is notably theorised by Finnemore and Sikkink (1998) who claim that political actors' behaviour can change as they consolidate newly shared norms and alter their existing normative belief facilitated by social interactions with and within political platforms at the international level, such as regional organisations (see also; Risse and Ropp 2013; Risse and Sikkink 1999).

However, this is not automatic, as the institutionalisation process often represents a series of multi-actors' intersubjective engagements which can signal in a form of struggles between the relevant political actors' competing norms and identities (Ruggie 1998, 3; see also Job and Shesterinina 2014).

There is an increasing trend in scholarly research to take a sociological approach to understanding ASEAN institutionalisation, particularly by exploring the process of norms consolidation in the region (Acharya 2003; Allison 2015; Collins 2013; Davies 2014a, 2014b; Jetschke and Rüland 2009; Katsumata 2011). Some of these scholars emphasise the process of ASEAN institutionalisation as the process of how ASEAN projects its normative power to its member states. Davies (2014b), for instance, notes how ASEAN socialises human rights norms for its members through several processes, namely in setting up conditions of membership, discursive engagement with existing members, and social influence through practices such as naming and shaming. Other scholars explore the process of how norms are socialised into ASEAN. Katsumata (2011, 558), for example, argues that 'ASEAN members have mimetically adopted norms practised by advanced industrial democracies in Europe and North America, with the aim of securing the identity of ASEAN as a modern and legitimate organisation in today's global society'. From this logic, the process of human rights institutionalisation in ASEAN can be linked to how the Association and its member states react to and resist external human rights norms diffusion, especially from the EU (see also Allison 2015; Jetschke 2009; Jetschke and Rüland 2009; Jetschke and Murray 2012).

Indeed, this thesis acknowledges the value of taking *sociological* approach of ASEAN institutionalisation. Focusing exclusively on how ASEAN ensures the compliance of its member states and how member states adopt foreign norms into regional norms neglects the complex socio-political context within Southeast Asia itself. It risks oversimplifying ASEAN's institutional development as having a linear path and existing in a normative vacuum. However,

in enriching the existing literature on ASEAN institutionalisation, this thesis focuses on two aspects: first, investigating Southeast Asian political contexts in more detail and challenging the dominant European-centric views that often utilise the EU as the measurement scale for other regionalism processes (see Acharya 2012; Murray 2010); and second, carefully sensing the engagement of wider regional actors, including CSOs, with the dynamics of regional norms. The complex constructions of knowledge—or the so-called ‘competing normative terrains’ (Poole 2015b, 369)—on human rights issues in Southeast Asia and the social interactions between wider political actors in socialising human rights norms to the Association are believed to be crucially connected with how ASEAN create human rights mechanisms and implement such norms. Accordingly, during the investigation of the institutionalisation of human rights in ASEAN, this thesis underlines the need for a careful study of the process of norm socialisation which signals the struggles between the existing dominant regional norms from within ASEAN and external efforts from CSOs in bringing and projecting human rights norms to the Association.

Indonesian CSOs’ advocacy in ASEAN

In this section, I discuss the existing research on Indonesian CSOs in ASEAN and situate my research within the related literature. In doing so, I elaborate two aspects of contemporary studies about Indonesian CSOs in ASEAN: the intersection between Indonesian CSOs and regional CSOs, and existing research on CSOs’ advocacy at the ASEAN level. Exploring these aspects is essential in illuminating the scholarly gap in the research and how my study contributes to the body of knowledge about ASEAN norm dynamics and CSOs’ engagement and advocacy on human rights issues in Southeast Asia.

In recent decades, CSOs have been recognised as important actors in the international arena (Scholte 2014). However, CSOs are complex objects of study. Scholars often use the

notion of civil society with different meaning and emphasis (Seligman 1992, ix; see also Edward 2004, vii). While Gellner (1996) emphasises the notion of civil society as a signal of modern economy which often create an independent political sphere for pushing to hold the polity accountable, other scholars underline the notion civil society within the context of resistance against the repressive nature of the authority (see Fakihi 1996; Howell and Pearce 2000). Within the context of Indonesia, much of the literature on CSOs has focussed on making sense of how Indonesian CSOs actors engage and influence the state in domestic politics (Budiman 1990, 1998; Eldridge 1995, 2005; Fakihi 1996; Hadiwinata 2003; Nyman 2006, 2009; Suharko, 2003; Uhlin 1993, 1997). These scholarly works generally underline how CSOs become an increasingly important political *domestic* actor. Hadiwinata (2003), for instance, emphasises the role of CSOs as catalysts of a genuine democratisation process during the demise of the Suharto regime and the *Reformasi* era (see also Budiman 1998; Suharko, 2003).

While Indonesian CSOs' domestic advocacy gained much scholarly attention, their activities are not limited to the domestic sphere. However, there is limited literature on Indonesian CSOs' in advocating international and regional issues, such as in ASEAN. Scholars generally focus on the role of Indonesian CSOs as either active agents in facilitating civic culture and the democratisation process in Indonesia, or representing critical forces against the authoritarian regime (Uhlin 1993; Suharko 2003; cf. Budiman 1998; Fakihi 1996). As such, most of the existing research on Indonesian CSOs is overly focused on the logic of CSO–state relations within the domestic realm without noticing broader and sometimes interrelated issues at the international level. Ignoring broader issues such as CSOs' advocacy in regional human rights issues has certainly created a problem, especially in generating a partial analysis of the role of Indonesian CSOs as well as undervaluing these CSOs' political engagements in non-domestic realms. Therefore, my research departs from the aforementioned trend of

investigating Indonesian domestic politics and contends that we need to explore increasing instances where Indonesian CSOs can advocate on regional issues.

ASEAN scholars have outlined how democratisation in the region has fostered a growing number of regional-oriented CSOs and their increasing demands for 'greater openness in Southeast Asian regionalism' (Acharya 2003, 376), or even their interest in specific issues such as 'seeking the new models of regional security' (Lizée 2000, 552). Yet, while much research captures and indicates the new trend in CSOs' advocacy in ASEAN institutionalisation process, ASEAN scholars also tend to be overly focused on the network of advocacy at the regional level at the expense of considering deeper dynamics of civil society, such as those within the Indonesian political landscape (Hernandez 2006; Gerard 2014b; Loh 1996, 2005; Lopa 2012; Nesadurai 2012, 2014; Stone 2000, 2011).

Specifically, scholars acknowledge that a number Southeast Asian CSOs engage with ASEAN and they often adopt 'multi-track' system nomenclature in identifying and understanding the role of CSOs in international affairs, particularly within the greater Asia-Pacific region (Ball 1994; Capie 2010; Kraft 2000; Lizée 2000; Simon 2002). The concept of multi-track system nomenclature is derived from Davidson and Montville's (1981) work in defining diplomatic activities (see also Diamond and McDonald 1996). Whereas 'Track I' refers to formal government channels in international affairs, Montville (1991, 162) uses 'Track II' to refer to 'unofficial, informal interaction between members of adversary groups or nations' who perform diplomatic roles, such as aiming 'to develop strategies, to influence public opinion, organise human and material resources' in dealing with international problems. This idea vividly appears in some regions' diplomatic practices, including in Asia-Pacific. Ball (1994, 168-69), for instance, defines Track II based on its common activities within Asia-Pacific region as 'non-governmental activities and institutional linkages' in sponsoring and

facilitating a ‘more structured process for regional confidence building and security cooperation’ in the region (see also Capie and Evans 2007, 233-6).

From this body of literature, we can see how ASEAN scholars attempt to understand regional-oriented CSOs’ advocacy in the region. Several scholars, such as Kerr (1994), Hernandez (1999, 2006), Stone (2000, 2011) and Caballero-Anthony (2005), notably highlight one of the forms of CSOs’ engagement with ASEAN under the nomenclature of Track II, such as the network of several CSOs in Southeast Asia under the umbrella of the ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS). According to Stone (2011, 246), through its longstanding engagement with ASEAN officials, members of ASEAN-ISIS have contributed significantly to ‘building trust and understanding among Southeast Asian policy communities’, generating civic culture by facilitating and providing a venue to discuss regional problems and socialise new ideas in the region (Further detailed information of CSIS and ASEAN-ISIS network will be elaborated in Chapter V; see also Capie, 2010; Katsumata 2003; Morrison 2004; Soesastro, Joewono, and Hernandez 2006a).

Nevertheless, while the abovementioned ASEAN scholars illuminate one of the earliest forms of CSOs’ engagement with ASEAN and provide insightful analysis of the role of CSOs as one of the most important regional norm promoters in institutionalising ASEAN reform, they tend to differentiate CSOs’ advocacy into several groupings. These scholars often associate ‘Track II’ only for CSOs in the form of think-tanks and groups of independent scholars and former ASEAN officials, reserving any other form CSOs within the category ‘Track III’ (see Caballero-Anthony 2005; Collins 2003; Hernandez 2001). As a result, they often co-constitutively create a sense of hierarchy in ASEAN along with the actual political practice of how ASEAN member states react to these CSOs, giving more emphasis on the role of think-tanks and a low regard for other forms of CSOs (see further detail of this context in Chapter V and VI). Moreover, these scholars also risk generating only a partial picture

regarding the existence of CSOs' activism in the region and taking an uncritical approach towards various political dynamics between CSOs and the state.

In contrast, there are researchers who are critical of the relationship between ASEAN and CSOs in the region. Morada (2008), for example, notes that there has been a positive gesture in ASEAN's decision to engage more fully with CSOs; yet, he argues that this gesture is actually insignificant due to the fact that greater access exists only if CSOs maintain close relations with state actors, pass ASEAN's strict accreditation process, and do not significantly challenge the association's policy (see also Allison and Taylor 2017; Collins 2008, 2014; Gerard 2013, 2014a; Nesadurai 2012, 2017; Rodan 2013; Rother 2015, Uhlin 2016). Gerard (2015, 379) asserts that the process of ASEAN's engagement with CSOs should be considered as mere creating 'contestation, rather than being implicitly democratising'. These scholars thus focus on how some Southeast Asian CSOs tend to use alternative approaches outside the formal accreditation process, such as how CSOs within the Solidarity for Asian People's Advocacy (SAPA) forum criticise prevailing concepts, policies and practices related to the exclusivity of ASEAN (Chandra 2009; Gerard 2013; Igarashi 2011; Nesadurai 2012, 2014; Rother 2015; Rother and Piper 2015).

However, the abovementioned approaches tend to generate only partial picture of CSOs' activism. While some contemporary scholars provide a much more critical assessment of the space and opportunity for CSOs to engage with ASEAN, they emphasise only the adversarial nature of CSOs-state relations and highly value CSOs' radical approach in voicing their interests (Jayasuriya and Rodan 2007b; Collins 2008; Nesadurai 2012; Gerard 2014a, 2015). As a result, these scholars often fail to capture the more nuanced context of various CSOs' engagement with ASEAN. Thus, they are unable to probe the diverse manifestations of power relations in the region, which can be very dynamic.

In overcoming the risk of having a narrow view of CSOs' activism in the region, this thesis envisions the need to carefully assess the nuances of different modes of CSOs engagement with ASEAN and the need to take a focus on more specific case country, like Indonesia. In doing so, we can explore the broader social forces involved in state foreign policy to its regional organisation (see Cox 1981). As there is a rapid development of Indonesian CSOs' activism since *Reformasi* and a trend in ASEAN's engagement with CSOs, we can identify some nascent research on Indonesian CSOs' awareness of non-domestic issues. Pioneering the assessment of Indonesian CSOs' growing interest in regional issues, Chandra (2004), for instance, asserts that the ongoing democratisation process in Indonesia allows domestic CSOs to consider the interconnectedness of various socio-economic issues in the region and advocate for a better problem management at the regional level, resulting in more concerns to be addressed and more problems to be solved via ASEAN.

However, whilst acknowledging the emergence of scholarly research on Indonesian CSOs' engagement with ASEAN, clearly the literature is limited. In fact, scholarly assessment apparently revolves around a small number of ASEAN issues (Chandra 2004, 2008; cf. Alexandra 2012). Chandra (2008), for instance, gives a detailed account of Indonesian CSOs' engagement with ASEAN. His seminal work explores Indonesian CSOs' potential shift to embrace ASEAN, but with a focus on mapping how Indonesian CSOs have been debating the narrative of 'nationalism' vs 'regionalism' within the dynamics of Indonesia's policy towards regional economic agenda (see also Chandra 2004). Moreover, Alexandra (2012, 71) notably writes about the idea of 'responsibility to protect' in Indonesia's policy to ASEAN and argues that Indonesian CSOs have positively collaborated 'to remind and put pressure on the government to exercise its responsibility' in protecting the people and preventing mass atrocities in other countries in the region. Nevertheless, inasmuch as it shares an important assessment of the role of Indonesian CSOs' in support of Jakarta's policy concerning ASEAN,

Alexandra (2012) overlooks the variation among the position of Indonesian CSOs. Alas, it is apparent that there is a lack of research on the detailed dynamics of regional human rights issues in Indonesia.

Ultimately, the abovementioned literature on Indonesian CSOs and ASEAN is a useful starting point for this thesis. However, as noted, the current literature contains significant gaps, particularly in relation to the dynamics of various Indonesian CSOs' normative ideas and engagements with the state and other relevant actors in pushing the human rights agenda in ASEAN. This thesis therefore expands the existing literature by focusing on Indonesian CSOs' values and modes of engagement with a series of ASEAN developments in its human rights mechanisms.

Constructivists' understanding of human rights institutionalisation in ASEAN

This section discusses the constructivist IR literature on ASEAN institutionalisation process and situates my research within such analytical tradition. Upon reviewing the existing scholarly works, I underline two main dimensions of my analytical approach, namely: defining the core tenant of norms institutionalisation from a constructivist IR perspective and elaborating how the adoption of Bourdieu's field theory enriches the existing constructivist IR analysis on ASEAN institutionalisation, especially in human rights issues. From these two aspects, we can see the efficacy of this research in responding to scholarly gap in the existing research, especially in understanding the nature of human rights institutionalisation in ASEAN and carefully investigating the various Indonesian CSOs' engagement with ASEAN in advocating regional human rights issues.

For much of the Cold war period, IR studies in Southeast Asia tended to be 'atheoretical' (Acharya and Stubbs 2009: 1). However, there is now a growing body of contemporary research on ASEAN regionalism offering various theoretical explanations of its

institutional formation and ways of making sense of the Association as a distinct political project. At least two major IR theoretical approaches are profoundly prominent in understanding the institutionalisation of ASEAN, namely realism and constructivism (Narine 2002, 1; Nesadurai 2009). While recognising the value of the debate between these two theoretical approaches, I specifically employ a constructivist IR approach and value the significance of investigating wider actors' engagement in regional norm dynamics, especially on the institutionalisation of human rights norms in ASEAN.

Realists generally regard the state as the key unit of analysis, with embedded logic, such as the struggle for power between states. As such, realists tend to argue for the preponderance of member states' power calculations in ASEAN's institutional design (Leifer 1989, 1999; see also Emmers 2003, Haacke 2003; Huxley 1996; Narine 2002, 2009). Nevertheless, these studies often oversimplify the nature of ASEAN, dismissing any novel facet of regionalism beyond traditional security aspects. The late Michael Leifer (1999, 27), for instance, repudiated ASEAN's role in maintaining intramural security and claimed that ASEAN was best understood as an informal mechanism 'which may serve as both a complement and as an alternative to balance-of-power practice' in the region.

Constructivists understand global politics with a different set of logics from realists. While they have many strands, constructivist approaches converge on stressing that global politics is socially constructed. Adler (1997, 322) defines constructivism IR as 'the view that the manner in which the material world shapes and is shaped by human action and interaction depends on dynamic normative and epistemic interpretations of the material world' (see also Finnemore and Sikkink 2001; Hopf 1998; Pouliot 2004; Price and Reus-Smit 1998). In other words, constructivists go beyond the primacy of power politics in explaining political phenomena at the international level, including regional institutionalisation. A constructivist

approach allows for the importance of norm dynamics and relevant political actors' involvement with such dynamics.

Why are norms so important in understanding how CSOs can influence the regional institutionalisation process? This thesis aligns with the constructivist IR tradition in emphasising that 'human interaction is shaped primarily by ideational factors, not simply material ones'; international politics is shaped by the role of collectively held ideas and norms in social life (Finnemore and Sikkink 2001, 393-94). In order to better understand international politics, we, thus, cannot stop our analysis at identifying relevant political actors' interests. Instead, we need to regard a political actor's interest based on shared beliefs or norms embedded in their surrounding environment and focus on investigating the impact of shared norms on global politics (see Wendt 1992). As a result, regional institutionalisation can be understood as a product of member states' agency in consolidating collective interests which are constructed by their shared norms (Wendt 1992, 136; see also Buszynski 2004; Haas and Haas 2002; Nau 2003; Ruggie 1998).

Moreover, I acknowledge Finnemore and Sikkink's (1998, 891; emphasis added) understanding of norms as 'a standard of appropriate behaviour for actors with a *given* identity'. In doing so, this thesis highlights not only the characteristics of norms as having the sense of oughtness and shared perspective, but also the trail of communication among relevant political actors which determines the process. Finnemore and Sikkink (1998, 897) add that 'new norms never enter a normative vacuum but instead emerge in a highly contested normative space where they must compete with other norms and perceptions of interest'. Accordingly, a constructivist IR approach is useful for this thesis in investigating the institutionalisation of human rights in ASEAN, especially through probing the dynamism of the ASEAN norms and illuminating the way in which regional actors socialise new norms and alter the existing shared beliefs in the region.

As noted before, norms socialisation is an essential part of regional institutionalisation of human rights. This line of argument sits within the constructivist IR tradition in ASEAN studies which often centres on normative diffusion in Southeast Asia. Acharya (2004, 2009b), for instance, notably argues that the existence of normative standards in ASEAN is generated through ‘constitutive localisation’ of global norms with existing ‘prior local norms’ in Southeast Asia (see also Acharya 2001, 2013; Ba 2005; Jetly 2003; Peou 2002; Severino 2006). In further emphasising the logic of norm localisation, Acharya (2004, 244) elaborates that

Southeast Asians borrowed foreign ideas about authority and legitimacy and fitted them into indigenous traditions and practices. Ideas that could be constructed to fit indigenous traditions were better received than those that did not have such potential.

Therefore, in gaining a better understanding of ASEAN, we need to also investigate how Southeast Asia has been solidifying a set of shared norms into the so-called ‘ASEAN Way’ and carefully discern this as the product of intersubjective relations among the involved actors in the region, in realising the contact between their internal normative standard and newly socialised external norms. Yet, it is essential to note that Acharya (2009b) primarily focuses on the development of ASEAN norms as a product of normative consolidation by member states, sidelining the existence of other aspects of engagement such as advocacy of CSOs at a sub-national level.

While Wendt (1992, 163) and Acharya (2009b) argue that the defining process of norms construction is state-centric by nature, it is essential to go beyond the state level in investigating the normative context in global politics, particularly as contemporary world politics has gradually become less hierarchical with wider opportunity for non-state actor’s participation in the international arena (see also Aviel 2010; Castells 2008, 2013; Krinsky and Crossley 2014; Price 2003; Risse-Kappen 1995). There is a wide political landscape and dynamism at the ASEAN level, and CSOs are also relevant actors in shaping the constructed norms in the region. I argue that a wide array of political actors—not necessarily the state—can be essential in

socialising new norms and changing the political behaviour of other actors (Finnemore and Sikkink 1998; see also Collins 2013; Keck and Sikkink 1998; Risse 2000, 2013).

Some scholars have drawn on constructivist IR approaches to enrich ASEAN studies by acknowledging the role of CSOs in normative dynamics in ASEAN. Caballero-Anthony (2005, 187), for instance, argues that ASEAN-ISIS has had a tremendous effect in 'reinforc[ing] the norm-building modalities within ASEAN and the broader Asia-Pacific region' (see also Capie and Taylor 2010; Hew and Soesastro 2003; Job 2003; Katsumata 2003; Morrison 2004; Soesastro, Joewono, and Hernandez 2006a). Other scholars also utilise constructivist IR approaches to highlight other CSOs' role in bringing alternative norms and approaches to the regional institutionalisation process (Gerard 2013, 2014b; Lopa 2012; Nesadurai 2009, 2012, 2014). Lopa (2012), for example, notes that the ASEAN Peoples' Forum (APF) offers one valuable site in which various expressions from civil societies are being consolidated into a more cohesive voice against ASEAN and its member states (see also Chandra 2006, 2009).

While existing studies shed some light on CSOs' advocacy to shape ASEAN norms, we can there are some shortcomings. ASEAN scholars tend to focus on a particular type of CSOs. For example, Nesadurai (2012) focuses on CSOs' resistance to ASEAN through the APF, and Caballero-Anthony (2005) accentuates the role of ASEAN-ISIS in supporting the progress in ASEAN, including the socialisation of new ideas for reforming the Association. These scholarly works signal an oversimplification of the complex process for the sake of building a clear, often linear, causal narrative. Hopf (1998, 197) explicitly warns of the tendency of some constructivists to 'lose the possibility of maintaining the ontological openness that its interpretivist methods afford'. This criticism is relevant as oversimplifying social phenomena risks generate a skewed analytical picture. As the nature and conditions of civil society can be diverse, a careful investigation in considering the various contexts of CSOs'

advocacy may provide a better picture of the nuance and complexity of the reality of CSOs' involvement in shaping global and regional politics.

Clearly, a more sensitive and critical assessment towards the various contexts of CSOs is required to enhance constructivist IR analysis of CSOs' engagement with ASEAN. According to Guzzini (2000, 2013b), the reconstruction of the constructivist IR tradition should be about reviving the basic strengths of its theoretical tenets, particularly in critically theorising the constitutive dynamics of knowledge and the social construction of world politics (see also Ashley 1987; Hopf 1998; Mattern 2005a; Wiener and Puetter 2010). In doing so, constructivists are urged to enhance their sensitivity in sensing norm dynamics and their link to power relations among actors (Guzzini 2000). This sensitivity, at an analytical level, emphasises the need for interpreting political actor's nuanced reality, including power within relationships among actors. We as observers cannot overly focus on creating a parsimonious argument and neglect the primacy of gaining deeper (situated) knowledge of the political environment. Instead, it is essential for observers to be open and sensitive towards the complex relationship between dominant norms and how political actors exercise their power within the field, exploring the normative terrain not as a mere mundane and neutral map (Hopf 1998, 185; see also Campbell 2007; Hurd 2008). Only after that, the value of constructivist IR analysis, particularly in providing a robust analysis of how mutual constitution of actor agency and normative structure are entangled in the case of human rights institutionalisation in ASEAN, can be generated.

While scholars employing constructivist IR approaches generally view regional institutionalisation as occurring within the political realm where power may affect the process, many of them have less interest in power relations among actors and instead focus on the impact of norms as a structural power to shape other actors' interests and actions (see Chekel 2001; Finnemore 1996, 2003). Through their seminal article, Barnett and Duvall (2005) suggest that IR intellectuals refrain from utilising a narrow definition of power as a mere element that makes

an actor controlling others' behaviour. Instead, they urge us to utilise a more open understanding of how power works in global politics. Barnett and Duvall (2005, 45) specifically show 'social relations through which actors' capacities are affected' and how these relations affect political governance of interactions among actors and produce global outcomes, particularly through careful identification of the power that they have. In the context of human rights institutionalisation in Southeast Asia, an awareness of various forms of power relations between and among CSOs and ASEAN apparatuses adds a more rigorous understanding of the complexity of regional political outcomes in ASEAN.

Rather than crafting a too-neat causal mechanism, this thesis aligns with the abovementioned shift to emphasise the need for sensitivity to socio-political contexts in ASEAN norm dynamics and to capture the nuance of power relations among actors in the region. This in turn reaffirms the 'indispensability of interpretation' and underlines that the dominant social meaning or norms and power within social interactions among political actors are closely linked (Hurd 2008, 307; see also Devetak 2005).

At this juncture, this thesis recognises the utility of adopting Bourdieu's works, particularly the *field theory*, in providing a more comprehensive analysis of social dynamics of global politics than that of the existing constructivist IR analyses of ASEAN (see Jackson 2008, 156). Initially developed within sociology, the essence of Bourdieu's field theory is an 'explanation of regularities in individual action by recourse to position vis-à-vis others' (Martin 2003, 1). Bourdieu's logic centres on the belief that we cannot fully comprehend the reality of social relations without linking them with the ways in which relevant actors understand existing social practices and create distinct power relations; and norms, which are well embedded in social interactions among actors, are also contingent on such dynamism of the social practices and power relations the field. This certainly repudiates dominant analytical paradigms, like rational choice theory, which Bourdieu (2000; see also Pouliot 2007) regards as a 'scholastic

fallacy'. Rational choice theory projects a scientific abstract from the observer's calculating mind onto active agents for the sake of creating a simplified narrative, but it disregards a much more fundamental analytical aim to decipher deeper structures and sources of socio-political action.

For Bourdieu (1977, 1985, 1990), it is important to see political capabilities of certain actors and their social interactions as interrelated within a particular domain, namely the 'field'. As Bourdieu (1990, 192; see also Bourdieu 1993, 21; Martin 2003, 29) claims 'to think in terms of field demands a conversion of the whole ordinary vision of the social world which fastens only on visible things ...; the notion of field presupposes a break with the realist representation which leads us to reduce the effect of the environment to the effect of direct action as actualised during an interaction'. In doing so, a careful analysis of topological map of social positions of the existing political actors against the dominant rules of the game in the field and some important dimensions pertaining to interactions among actors, such as economic, cultural, social and symbolic capital, signals the deeper reality of social dynamics among political actors (see Bourdieu 1977, 1988, 1990). Further information on how this idea is being adopted within this research will be elaborated in the next subchapter.

Moreover, while IR scholars, including constructivists, focusing their analysis of international politics only within the realm of interstate arena (see Acharya 2003, 2009b; Wendt 1999), they often create a skewed picture of international politics. Adopting Bourdieu's understanding of social reality, specifically in terms of 'fields', pushes us to mitigate the risks associated with state-centric analysis and to be more aware of the wider social environment of our case study. In fact, deploying Bourdieu's field theory allows scholars to be more sensitive towards the everyday practice of global politics. This aspect has been essential to the emergence of the 'practice turn' in IR studies, particularly in investigating the detailed practice of diplomacy (Neumann 2002, 2012; Pouliot and Cornut 2015); security (Bigo 2008; Bigo et.

al. 2007; Leander 2005, 2010); foreign policy (Guzzini 2002; Jackson 2008); environmental governance (Epstein 2008); European regionalism (Adler-Nissen 2015a, 2016); as well as laying the foundations for a distinct theoretical point of view (Adler and Pouliot 2011; Adler-Nissen and Pouliot 2014, Bueger and Gadinger 2014). This trend represents an analytical endeavour which avoids simplified approaches to modelling international politics as a series of rational actions. Instead it is concerned with better mapping the existing dominant norms and political resources as well as historicising social struggles among related actors (Pouliot 2012; see also Pouliot and Mérand 2013).

This thesis specifically adopts Guzzini's (2013b, 94) interpretation of Bourdieu's field theory in relation to constructivist IR literature, particularly in bringing a 'coherent social theory of power' in revealing the importance of power relations embedded in the practice of norms and social interactions among actors. Central to Bourdieu's (1977, 1990) field theory is the need for carefully analysing power relations among actors in influencing others, which often occurs within a system of normalised recognition through a longstanding social practice. The emphasis is on the 'ritual of power that not only rests on those who benefit from the system but also needs all those who, via their conscious or unconscious practices, help to sustain it' (Guzzini 1993, 472; see also Guzzini 2005, 2013b).

There are at least two examples of the use of Bourdieu's field theory which shed light on power relations and norm dynamics at global and regional levels. Guzzini (2003, 2012), for instance, utilises this theory in understanding the revival of geopolitical narratives in discourse on European countries' foreign policy experts during the post-Cold War period. Geopolitics is not only about geographical and material matters, but also constructed ideas shaped by wider political actors and contexts. While ideational path dependence exists, it relies on a wider field of actors than normally understood. Within this field, then, a broader set of actors can be responsible for political change than normally understood in the literature. Through detailed

analysis of the European foreign policy communities, Guzzini argues that some actors add complexity to the social dynamics of geopolitical rhetoric in the region. For example, the existence of ‘peace research institutes or ... academia ... that provide distance to the language of world politics and its practitioners, the existence of institutional guarantees for the independence of expertise from politics and the military, and the checked influence of foreign military or strategic experts’ could alter the possibility that ‘the response to the foreign policy identity crisis would involve ... geopolitical thinking’ (Guzzini 2012, 248).

Adler-Nissen and Pouliot (2014) also notably adopt Bourdieu’s theoretical framework in their study of multilateral diplomatic processes that led to the 2011 international intervention in Libya. Contrary to realists’ emphasis on material interests of relevant parties or liberals’ focus on cooperative measures in supporting humanitarian intervention, field theory analysis of micro-level diplomatic dynamics is a crucial element in explaining global politics. Moreover, as the field is often unequal and consists of institutional biases and dominant discourse, it is essential for in-depth analyse of ‘the *enactment* of power’—the way in which the game is played and how power is generated by the relevant political actors (Adler-Nissen and Pouliot 2014, 894). In the context of the 2011 international intervention in Libya, ‘struggles over diplomatic competence within the relevant organisations [namely the United Nations, North Atlantic Treaty Organisation, and the European Union], played a crucial role’, particularly as state representatives translate their skills into actual influence (Adler-Nissen and Pouliot 2014, 889). One of the most vivid practices is how France, the United Kingdom (UK), and the United States (US) could ‘disarm its opponents—including China and Russia—by undermining as ‘irresponsible’ those proposals in favour of more diplomacy and sanctions’ (Adler-Nissen and Pouliot 2014: 899).

Ultimately, adopting Bourdieu’s field theory in enriching constructivist research means a much more careful assessment of the relevant actors’ view of and social position in the

targeted social field, particularly as the purpose of research in this thesis is to return to a more sociological orientation in interpreting how intersubjective meaning of norms entangle in the reality of social interactions among actors (Guzzini 2013b). Specifically, in improving the study of human rights institutionalisation in ASEAN, the study of norm dynamics must be viewed as more tightly linked to power, particularly in sensing the dynamic agency of Indonesian CSOs' human rights advocacy in relation to ASEAN's existing diplomatic practices post the Cold War period. In this study, critically unmasking the dynamics of the normative institutionalisation process in ASEAN and unravelling the social relations through which power is enacted are crucial aspects of the research agenda. A more detailed discussion of how Bourdieu-inspired constructivist IR has been applied in my research is elaborated in the next subchapter.

Bringing Bourdieu-inspired constructivist IR to ASEAN

This thesis analyses Indonesian CSOs' advocacy to push for ASEAN institutionalisation of human rights norms. Accordingly, I employ a distinct constructivist IR perspective which underlines the sociological dimension of norms and power relations among related actors in the region. It is clear that the concept of norms is central to constructivist IR traditions. Yet, rather than objectifying norms, this thesis considers Hopf's (1998: 184) call for dissecting 'the myths associated with identity [and norms] formation' through enhancing our sensitivity in assessing the dynamics of norm socialisation process within interactions between political actors (see also Guzzini 2000; Price and Reus-Smit 1998; Wiener and Puetter 2010). In interpreting ASEAN, I reject the overly state-centric analysis and the depiction of a single and linear progression of norms in the region. Instead, I envisage regional institutionalisation as a dynamic process of socialisation of norms, which cannot be separate from power relations embedded in social interactions among relevant political actors.

In carefully assessing the dynamics of human rights norms in ASEAN and the way in which Indonesian CSOs engage with ASEAN to shape such dynamism, this thesis adopts Bourdieu's field theory as the analytical foundation for the exploration of actors' power relations which exist within regional practices of normative institutionalisation. According to Guzzini's (2013b: 79), Bourdieu's field theory both enhances analytical sensitivity of constructivist IR, especially in embarking on systematic analysis of 'social theory of power and domination' within the reality of social practices, and widens the concept of power 'to take all different facets of an analysis of power into account'.

Operationalising field theory in understanding human rights in ASEAN

In enriching constructivist IR research on ASEAN my research adopts Bourdieu's field theory. Bourdieu proposes the concept of '*field theory*' as an analytical tool to represent the reality of social interactions within a distinct field which allows us to sense norm dynamics and deeper power structures behind such interactions; or as Bourdieu (1985, 723-24) puts it:

The social world can be represented as a space (with several dimensions) constructed on the basis of principles of differentiation or distribution constituted by the set of properties ... capable of conferring strength, power within that universe. Agents and groups of agents are thus defined by their relative positions within that space.

Field corresponds to a network of positions arising from a distinct set of interactions within a shared system of norms and meaning, such as science or political economy, at the domestic/national level or international level (Bourdieu 1977, 1990; Bourdieu and Wacquant 1992). As an analytical tool, field theory signifies the logic that political behaviour around a certain issue or within a certain environment is not purely atomistic and rational. Instead, political actions are generated when political actors intersubjectively interact against a background of a pre-existing system of meanings (Guzzini 2000, 2013b).

Norms, in Bourdieu's field theory, thus represent the underlying system of meanings structuring the way relevant actors behave and interact. Epstein (2013, 169) emphasises how

Bourdieu indicates norms as ‘the organising matrix underpinning a field of action or policy realm’. Norms, Epstein (2013) argues, rarely operate within a vacuum; instead, certain norms always belong to an organised ensemble, and that ensemble represents a series of social practices of inclusion and exclusion for the norms to be able to operate in the first place. This illuminates how we should understand regional norms as a result of complex historical trajectories of relevant political actors’ actions and perceptions. In fact, norm dynamics cannot be reduced to a mundane and neutral process; instead, norms operate within and cannot be separate from the political realm of how political actors utilise their power to discursively dominate others’ normative positions (Bigo 2011, 228; Epstein 2013).

More importantly, by adopting Bourdieu’s field theory, this research sees norms and their progress as not fixed. Pouliot (2008, 275) underlines that the field is characterised by ‘struggles that have been socially and historically constituted’ and these struggles are always relational, depending on relevant political actors’ capital and position against dominant norms in the field; and these struggles can re-affect the field as either reproducing or transforming norms. This logic is crucial, particularly as my research seeks to explore beyond linear explanations of how ASEAN human rights norms are socialised and institutionalised. Understanding ASEAN institutionalisation as a struggle in the field will allow a more careful explanation of how relevant political actors’ advocacy in ASEAN is structured by existing norms.

In utilising Bourdieu’s field theory, researchers are expected to sense both normative debate and power dynamics at the same time. For this reason, Bourdieu elaborates the existence of *doxa*. In modern societies, a certain set of norms—the standard of appropriate or expected behaviours—can become ‘a set of fundamental beliefs which does not even need to be asserted in the form of an explicit, self-conscious dogma’ (Bourdieu 2000, 16). Moreover, *doxa* can be

pre-reflexive, a shared but unquestioned belief, as relevant actors internalise and repeat norms according to historical practice and the expected function of such norms (Bigo 2011).

Within the context of Southeast Asia, discerning the field of ASEAN thus requires a more sensitive assessment of two crucial elements: *first*, the forms of ASEAN *doxa*, particularly the dominating system of meaning generated and augmented into regional mechanisms throughout the history of past political actors' policies and interactions in the region, and *second*, the map of the relevant political actors in the field and the ways in which those political actors in the region react to such *doxa*. According to Pouliot (2008, 275) political actors often feel compelled to embody specific dominating dispositions—or *doxa*—as they gain collective and individual experiences in engaging with the field; and as such, these actors eventually engage in the 'actualisation' of the expected disposition that could lead to strengthening the quality of *doxa* as 'taken-for granted' within the corridor of 'historically constituted practical knowledge'. In other words, field theory assumes political actors in Southeast Asia are exposed to distinct *doxa* that sustain the longstanding structure of expected behaviours in ASEAN.

Nevertheless, despite Bourdieu's tendency to emphasise structure, moments of creativity and agency can disturb the dominant *doxa* (Bourdieu 1990; cf. Bourdieu 1998, 1999). Bourdieu's (1977, 164) specifically argues that although *doxa* often reflect the powerful actors' ability in socially constructing the subjective principles into the common sense in which the 'natural and social world appears as self-evident', not all actors succumb to the predisposed norms, signifying the possibility of a more nuanced context of relationship and political dynamics in the field. In the context of the field of ASEAN, the sense of agency can be seen in how political actors face a wide array of options within the spectrum, aligning with the existing ASEAN *doxa* and striving for radical alteration. Therefore, the process of institutionalisation of human rights in ASEAN, should be understood as the struggle of how relevant political

actors in ASEAN view new norms and juxtapose them with the existing ASEAN *doxa*. In other words, to understand the institutionalisation of human rights norms in the field of ASEAN, one must not only look for structures that ordain the ways in which regional actors interact around regional human rights issues but also the reflective moment where regional actors can react to the dominant *doxa* and socialise human rights norms to ASEAN in various ways.

Moreover, Bourdieu also suggests that repeated practices of *doxa* are not a benign process, as they often privilege certain groups, including their political agenda, and sideline others. This view is indeed close to Gramsci's (1971, 57) and Cox's (1992, 140) idea of 'hegemony' as the ability of a certain social strata to subordinate other groups. Yet, while Gramsci and Cox engage with a class-based view of the world, Bourdieu focuses on power relations among actors in the field as well as political practices that derives benefit from the dominant *doxa* and maintains the power asymmetry in the field. In the context of ASEAN, this translates into an imperative to sense how the human rights socialisation process relates to existing dominating dispositions in the field, and social practices and debates among relevant actors, including both member states and CSOs, which may support or hinder the progress of human rights socialisation in ASEAN. The next section of this chapter will elaborate this aspect.

Enhancing sensitivity to power relations in ASEAN

Besides the emphasis on interpreting the process of human rights institutionalisation in ASEAN, this study employs Bourdieu's field theory to sense power relations in the social practices among actors in the region, stressing the 'reflexive relationship between knowledge and social reality' (Guzzini 2013b, 217). In doing so, power will be approached in a way that allows us to sense the nexus of socially constructed knowledge and relevant actors' power to engage in norm dynamics in the region, illuminating the linkage between agential relationships

among actors, their power in socialising new norms within the field, and responding to existing *doxa* in ASEAN.

Specifically, this research will employ a notion of power that highlights its agential and relational nature, allowing us to better sense the social practice of interactions in the field. Lukes' (2005, 27; emphasis added) conceptualisation of power as 'A may exercise power over B by getting him to do what he does not want to do, *but he also exercises power over him by influencing, shaping or determining his very wants*' marks a crucial analytical paradigm. This conceptualisation underscores the emphasis on investigating power not as a mere one-way process of controlling others' mind, but as a relational context of agential relationship and the pattern of recognition among political actors (Guzzini 2013b; see also Barnett and Duvall 2005). As such, the main implication of this understanding is that we cannot exclusively link power with how political actors utilise material sources at their disposal, but with a deeper understanding of the nature of relationships among actors in the field, including how the pre-existing system of interactions structure the space in which actors exercise their power over others.

Moreover, we need to also be cognisant that relational analysis of power does not lead to a neutral or equal map. In fact, relational analysis of power always insists on how particular actors gain power over others by understanding and utilising elements of social reality (Guzzini 2013b, 96; see also Bigo 2011). Similarly, Lukes (2005, 73) also notes a key maxim, namely 'power is explicitly relational and asymmetrical: to have power is to have power over another or others' (see also Barnett and Duvall 2005). This logic is essential, particularly in increasing sensitivity in understanding the social construction of regional norms and how political actors wield their power over others and acquire more meaningful normative engagement with their targeted actors.

Central to Bourdieu's elaboration of power relations is realising how political actors strive to utilise various forms of capital, such as economic, cultural, social, and symbolic capital, to be 'perceived and recognised as legitimate' actors in pushing their normative position in the field (Bourdieu 1989, 16-7; see also Bourdieu 1985). In fact, it is imperative to capture political actors' agency-capital connection in surviving and thriving under certain structuring *doxa* and link that to their power over other actors in the field. According to Bourdieu (1996: 40-1),

[A field] contains people who dominate and people who are dominated. Constant, permanent relationships of inequality operate inside this space, which at the same time becomes a space in which various actors struggle for the transformation or preservation of the field. All the individuals in this universe bring to the competition all the (relative) power at their disposal.

However, while Bourdieu suggests various forms of capital, I consider symbolic capital (which in turn forms the basis of the so-called symbolic power) as the dominant factor for analysing actors' positions and power in the field of ASEAN. Indeed, some form of capital, such as economic capital (which refers to 'way of various investment strategies using accumulated economic [resources to endow some actor with greater capacity in the competition for control]'), may exist in the field of ASEAN (see Bourdieu 1993, 6). Yet, the elitist nature of ASEAN regional mechanisms and the dominant norms in ASEAN, such as the lingering tendency of suspicion and national pride among member states, structure the efficacy of certain capital more than others. To this extent, symbolic capital remains the dominant form of power shaping ASEAN politics. The detailed elaboration of this aspect can be seen in the subsequent chapters, especially in chapter III and VI.

Specifically, the form of symbolic capital is 'degree of accumulated prestige, celebrity, consecration or honour is founded on the dialectic of knowledge (*connaissance*) and recognition (*reconnaissance*)' (Bourdieu 1993, 7). As political actors recognise each other's capital and positions in the field, some certain image and character association (which often

aligns with the prevailing *doxa*) can be a great boost to having authority and performing certain roles in the field. Hence, generating symbolic power in the respective field. In other words, a certain political actor can be powerful as its accumulated image becomes symbolic ‘and exerts a specific effect of domination ... when it is known and recognised’ by other actors in the field. As a result, this process can lead to a ‘gentle and disguised’ form of domination in endorsing the pre-reflexive disposition, or misrecognition to obey certain norms and expectations acceptable to *doxa* in the field (Bourdieu 1990, 133; see also Hamati-Ataya 2012; Guzzini 2013b, 97; Moore 2008, 104).

Equally important for Bourdieu’s elaboration of power relations is the understanding that political actors’ power over others do not exist automatically. Instead, field theory suggests the significance of focusing on how political actors *enact* their power according to the capital that they have grown and the dominant *doxa* as the existing structure in the field (see Adler-Nissen and Pouliot 2014; see also Williams 2007). This aspect is crucial in probing and comprehending the struggle of political actors in taking advantage of the existing norms and practices as well as exercising their power on endorsing a certain set of norms in the field, such as how the Soviet Union tried to resist non-military factors for measuring superpower status during the Cold War (Guzzini 2005: 514-15; see also Guzzini 2003), or how the rise of neo-conservatism in the US is attributed in part to the relationship between scholarship and power in the construction of security debates over post-9/11 security policy (Williams 2007). Nevertheless, this is not the only pattern in the field, as Bourdieu argues that we can also find the form of social practices of other actors against this form of symbolic power; or as Bourdieu (1990, 303) notes:

In the ideological struggle among groups ... to define reality, symbolic [power made by a certain group] is held in check by the awakening of awareness of arbitrariness [of the norms that this group promote], which deprives the dominant of part of their symbolic strength.

Interestingly, within the network of agential relationships among actors and particularly in reacting to the existing *doxa*, any political actors could react in various ways. Some actors may adapt in order to gain recognition, particularly through referring to the same set of norms with existing *doxa* in the field and signalling supportive narratives toward prevailing social practices. Moreover, although *doxa* often reflects powerful actors' ability in socially constructing subjective principles into common-sense in which the 'natural and social world appears as self-evident' (Bourdieu 1977, 164), some political actors may not succumb to predisposed norms. For VandenBroek (2010, 483) 'subjective reality does not always have a near perfect fit with the objective field'; thus, the dominated actors could question the existing *doxa* and even strive to alter them. Forms of resistance, in fact, can exist 'in everyday practices, through limited but effective possibilities' generated by reaction to the dominant *doxa* (Bigo 2011, 243). Recognising the possibility of various forms of power relations among actors and the struggle for norms, we can assume the wide array of attitudes towards altering the prevailing *doxa*, ranging from aiming to gradually improvise within the corridor of the existing field or demonstrating different (and often radical) approaches towards criticising dominant norms. As such, instead of emphasising supportive narratives, these actors can signal transformative or even critical narratives in reacting to the prevailing *doxa*.

In exploring ASEAN, this research attempts to detect various patterns of power relations which entangle with the existing practices of social interactions and norm dynamics in ASEAN human rights issues. The focus is on how Indonesian CSOs' power relations in relation to other actors in the region link with how they react to the ASEAN *doxa* and human rights norms in the region. In other words, this study specifically notes the pattern of Indonesian CSOs within the spectrum of engaging and acting against dominant norms in ASEAN during their advocacy in pushing the institutionalisation of human rights in the region. In doing so, this study focuses on two areas: analysing how Indonesian CSOs define their normative

positions and symbolic powers within the field and how Indonesian CSOs engage with Indonesian officials and ASEAN apparatuses in socialising human rights norms.

This thesis explores several Indonesian CSOs' engagement with the state and other regional actors on human rights issues in order to more accurately map the dynamism of Indonesian CSOs' advocacy in the region, ranging from CSOs in the form of think-tanks like CSIS, to human rights non-government organisations (NGOs) like KontraS and HRWG. This pattern mapping process is certainly beneficial in helping us reveal, in more detail, complex political dynamics among actors in Southeast Asia progressing the institutionalisation of human rights norms in ASEAN. Therefore, in understanding how Indonesian CSOs' advocate human rights issues in the region, this research will juxtapose the study of the nature of the development of ASEAN human rights norms with power relations among Indonesian CSOs and the government in advocating human rights issues in ASEAN, as we shall see in subsequent chapters. In other words, a Bourdieu-inspired constructivist IR perspective is deliberately employed in responding to the gap in the existing literature and further enhances the study of ASEAN, particularly in being more sensitive to investigating the existence and struggle of Indonesian CSOs in engaging with regional issues and shaping the ASEAN human rights institutionalisation process.

Conclusion

This chapter has elaborated the analytical framework for this thesis. The analytical approach employed here starts with identifying the gap in the existing literature, yet this research is empirically driven to gain deeper understanding. I employed Bourdieu's field theory to enrich the existing constructivist IR analysis of ASEAN in two main analytical aspects: interpreting the underlying context of norm dynamics in the region that creates distinct progress of ASEAN human rights institutionalisation process, and analysing power relations that emerge from the

dynamics of the agential relationship among Indonesian CSOs and the government in advocating human rights issues in ASEAN. Accordingly, Chapter III will examine this evidence, especially by exploring the nature of human rights institutionalisation in ASEAN and the dynamics of the Indonesian voice regarding these issues.

Chapter III:

Indonesia and Human Rights in ASEAN

Amidst pessimism from some scholars and CSOs, ASEAN has made significant progress in institutionalising human rights. Here, we can see how some ASEAN member states are committed to the human rights agenda in the region and have attempted to socialise norms. Focusing on the institutionalisation of human rights in ASEAN combined with the role of Indonesia, a striking pattern begins to emerge in ways in which the ASEAN human rights agenda has progressed. Member states, as reflected by how Indonesia engages in ASEAN, are deeply entangled by the need to respect the so-called the ASEAN *doxa* in their attempt to socialise human rights norms and to propose ideas of having regional mechanisms on human rights in the region. This certainly does not imply that ASEAN member states are weak and irrelevant actors. Yet, it is crucial to understand the space for opportunity and limitations regarding norm dynamics in ASEAN, particularly in relation to the issue of institutionalising human rights in the region.

Drawing on Bourdieu's field theory from Chapter II, this chapter analyses the field of ASEAN and elaborates one the crucial aspects in understanding the engagement of Indonesian CSOs with ASEAN in shaping the institutionalisation of human rights norms in the region, name understanding the nature of ASEAN human rights institutionalisation. It begins with an historical overview of the institutionalisation of human rights in ASEAN, especially in tracing how such norms are incorporated in the ASEAN lexicon. The second part of the chapter elaborates the links between the institutionalisation of human rights and the nature of ASEAN diplomatic practices. This part indicates the fundamental fabric of norms that dominates ASEAN, referred to in this thesis as the '*doxa*' within the field of ASEAN. The chapter concludes by assessing dynamism in the field of ASEAN, especially how Indonesia dealt with

human rights norms in the region. In analysing human rights institutionalisation in ASEAN, this chapter specifically highlights the Indonesian government's attempt to recalibrate the interpretation and manifestation of ASEAN values in embracing human rights, while at the same time maintain and respect the ASEAN *doxa*. It also explores the linkage between the Indonesian government and the opportunity for CSOs in socialising human rights norms in ASEAN.

Reference to human rights in ASEAN

Human rights only became a salient element of ASEAN regionalism during the post-Cold War period. The ASEAN Charter (2007, 3), for instance, clearly points out that one of the purposes of ASEAN is 'to promote and protect human rights and fundamental freedoms', signalling the importance of such norms in the region. Nevertheless, this reference did not emerge easily, particularly given the longstanding debate on how the notion of human rights was understood by ASEAN member countries and how human rights should be institutionally adopted within the region.

The initial design of ASEAN was a 'minimalist' regionalism project (Kusumaatmaja 1990, 170; see also Rüland 2000, 444; Tan 2017). Instead of focusing on institutionalising a complex and rigid regional mechanism, ASEAN's main agendas were about conflict prevention and stability maintenance in the region. This concept was also closely related with the then dominating bipolar Cold War structure, which led to the absence of international pressure to the initial institutional design of ASEAN. The international community, especially Western powers, were preoccupied with Cold War anxieties and less concerned with the detailed domestic problems in developing countries. The United States (US), for instance, was often seen as permitting the existence of authoritarian regimes in Southeast Asia. The prevailing 'domino theory' and associated scholarship created a simplified political

characterisation of Southeast Asia as a risk region. The then prominent scholars, Emerson (1953, 291-302), even regarded Southeast Asia as a 'chaotic' and 'unpredictable' region with poor socio-economic conditions and prone to communist ideas and argued that to deter communist infiltration, the US needed to fully support the anti-communist element in the region at all costs (see also Betts 1985). This context contributed to the slow development of human rights norms and the relative silence of Western powers on Southeast Asian countries' atrocities, such as the Indonesian occupation of East Timor in 1976 (see Clark 2000; Ramos-Horta 1996; Sala 1995). Within this context, the idea of human rights was excluded from the lexicon of ASEAN leaders during the Cold war period.

Human rights started to be widely discussed at the ASEAN level by the 1990s, especially along with mounting pressure from Western powers to promote human rights norms through United Nations mechanisms (Mauzy 1997; see also Severino 2006; Tan 2011). With the demise of East–West bloc rivalry and the waning of Cold War anxieties, members of the Western bloc gradually engaged Southeast Asian countries in discussing wider issues beyond regime stability and pushing for democratisation (i.e. opening the political space for citizen participation and protecting their rights). At the same time as the ideological rivalry between the US and the former Soviet Union ebbed, this affected the United Nations (UN) agenda. There was a new push for strengthening and reforming the UN, especially in coping with perceived new global challenges in the post-Cold war period, for example, peacekeeping and human rights issues (Boyle 1995, 79-89; see also Boutros-Ghali 1992; Mingst and Karns 2000). This resulted in bringing UN member states together through a series of conferences on human rights related issues, including the UN World Conference on Human Rights in Vienna in June 1993, which placed human rights on the world stage.

The development in bringing human rights to the fore sparked wide international debate. A key heated issue was cultural interpretation of human rights and how such

interpretation reflected the contested human rights paradigm (Engle 2000). Along with the demise of the Cold War bipolarity, Western powers were viewed as engaging in cultural imperialist projects, especially in Asia (Freeman 1996; see also Vincent 1986). Western allies were regarded by Asian countries as being overly confident with 'the [liberal] values which led to its winning the Cold War' and pushing the notion that 'all states should be similarly blessed' (Mauzy 1997, 214; see also Vincent 1986).

Western core cultural values, particularly the strong emphasis on individual rights and democratic processes, were viewed as troubling by Asian countries. Some Southeast Asian leaders, such as then Singaporean Prime Minister, Lee Kuan Yew, strongly argued that East Asian people as a roughly related grouping of socio-cultural people in East and Southeast Asia have different culture than that of Western countries, especially in prioritising the sense of community over individual recognition, asserting the existence of so-called 'Asian values' (Zakaria 1994; see also Mohamad 1995a, 1995b; Mahbubani 1994). Lee Kuan Yew (quoted in Zakaria 1994, 111) specifically stated that:

As an East Asian looking at America, I find attractive and unattractive features. I like, for example, the free, easy and open relations between people regardless of social status, ethnicity or religion But as a total system, I find parts of it totally unacceptable: guns, drugs, violent crime, vagrancy, unbecoming behaviour in public—in sum the breakdown of civil society. The expansion of the right of the individual to behave or misbehave as he pleases has come at the expense of orderly society. In the East the main object is to have a well-ordered society so that everybody can have maximum enjoyment of his freedoms. This freedom can only exist in an ordered state and not in a natural state of contention and anarchy.

Lee believed that strong states are essential in maintaining stability and improving economic conditions which is the prerequisite for the fulfilment of broader rights (Lee in Zakaria 1994; see also Mahbubani 1994). Similarly, then Malaysian Prime Minister, Mahathir Mohamad (1995) also stated that

...there is a need to be fair and not to demonise those in less than ideal circumstances who do not want gridlock democracy, weak and cowardly democracy and democratic practices and forms that over-emphasise the individual and neglect the community, that glorify combat, that foster unbridled conflict, that guarantee against harmony,

consensus and cohesion, that threaten to destroy order and democracy itself, and that engender the prospect of total chaos.

The advocates of 'Asian values', thus, often emphasised 'that some limitations of human rights [were] necessary for stability in relatively poor societies striving for economic development' (Freeman 1996, 356; see also Ghai 1995; Zakaria 1994).

Southeast Asian countries, in this case, were regarded as taking a stand against the global push for institutionalising human rights as a universal goal without considering the variety of cultural perspectives on the issue. This can also be understood as how Southeast Asian countries tried to react to Western powers' attempts to regulate the role and position of states in the post-Cold war period. Through the Western-led promotion of democracy and human rights, the system of international relations was expected to evolve under the new obligation to humanitarian causes, placing the privilege of national sovereignty within a 'conditional' context (Krashner 1999; see also Bellamy 2009; Țuțuianu 2013). Most Asian states, being privileged entities in exercising sovereignty in maintaining its existing power structure, viewed their actions as heavily restricted and reacted to defend their sovereignty (Rodan and Hewison 1996; Rodan 1996). As such, the notion of human rights, especially the Western-preferred emphasis on civil rights, was often seen as an intrusion regarding longstanding privileges of the state and even an attack on the Southeast Asian record of governance.

One of the most notable results of the Asian values debate was Southeast Asian countries' attempt to voice dissent around the UN World Conference on Human Rights in Vienna in 1993. The joint communique of the 24th ASEAN Ministerial Meeting (AMM) in 1991 discussed the issue of human rights. The Association concurred with Mahathir Mohamad's criticism that human rights and democracy were Western countries' way to push for 'conditionalities and protectionism by other means' (ASEAN 1991, par. 7). This view was also underlined in the 25th AMM in 1992 (par. 15) which noted that 'human rights, while

universal in character, [were] governed by the distinct culture and history of, and socioeconomic conditions in each country and that their expression and application in the national context [were] within the competence and responsibility of each country'. Moreover, in the preparation for the UN World Conference on Human Rights in Vienna, ASEAN member states joined with other Asian countries in regional meetings on human rights and adopted the Bangkok Declaration on Human Rights on 2 April 1993. Although these Asian countries did not disavow the need to respect human rights, they emphasised the need to consider national and regional particularities that might shape human rights protection. As Muntarbhorn (1997) argues, 'the message [Bangkok Declaration] was clear: while the sub-region accepts that human rights are universal by nature, they may have to bend to various conditions in the sub-region'.

Nevertheless, in the month after the UN World Conference on Human Rights in Vienna, in June 1993, the 26th AMM held in Singapore issued an interesting communique which *inter alia* welcomed the idea of human rights. The six ASEAN member states (i.e. Indonesia, Malaysia, Singapore, Thailand, the Philippines, and Brunei Darussalam) stated their collective view about human rights. First, ASEAN member states accepted the result of the 1993 Vienna Conference. In its communique, ASEAN (1993, par. 16) acknowledged the 'equal importance' of all rights; but at the same time, it also emphasised some 'Asian values' arguments in respecting specific cultural, social, economic and political circumstances. Second, ASEAN (1993, par. 18) responded to the global trend of human rights norms with a bold statement, calling for 'the establishment of an appropriate regional mechanism on human rights'. It signalled that human rights norms had started to enter ASEAN leaders' strategic thinking and they began to assess the potential value of responding to international trends by embracing such norms.

Nevertheless, ASEAN's progress in considering the establishment of a regional mechanism on human rights appeared to be dormant after 1993. It was not until the Asian financial crisis in 1997 that some progress on human rights became evident in the ASEAN regionalism project. As the crisis created unprecedented challenges for the region, ASEAN sought to demonstrate its ability to cope with contemporary post-Cold War challenges, including in dealing with wider issues beyond traditional security and economic issues. The 31st AMM in Manila, for instance, 'recognised the importance of international conventions and declarations relating to the promotion of human rights, such as the Convention on the Rights of the Child and the UN Convention on the Elimination of all Forms of Discrimination Against Women', signalling the Association's willingness to consider wider, perhaps less sensitive human rights related issues (ASEAN 1998, par. 29; see also Pisanò 2016, 324).

Meaningful progress on the institutionalisation of human rights norms occurred as a part of ASEAN's strategy in dealing with new challenges which emerged after the turn of the century, especially along with the Declaration of ASEAN Concord II (Bali Concord II) in 2003. Despite the lack of explicit reference to human rights, Bali Concord II was an essential decision in widening up the opportunity for socialising human rights norms to all ASEAN member states that still had animosity to the norms. The idea of ASEAN Security Community within the Bali Concord II in 2003, for instance, allowed wider concerns to be understood through the lens of 'comprehensive security'. As such, rather than always sensitive issues, like human rights, member states are urged to go beyond their usual narrow priority of their own regime security and consider developing a 'habit of consultation to discuss political issues' through considering 'broad political, economic, social and cultural aspects' (ASEAN 2003).

The more lucid manifestation of human rights in ASEAN appeared later in the agreement on the so-called Vientiane Action Programme (VAP) in 2004. This marked significant progress in ASEAN moving beyond its historical aversion to human rights (Davies

2013a). Adopted as a response to the Bali Concord II of 2003, the VAP provided the first detailed master plan for building the ASEAN Community. The specific reference to human rights, in this case, is gradually included as an integral part of a bigger agenda of ‘comprehensive security’ and ‘political development’ within the ASEAN Security Community. Along with other key agendas such as ‘sharing norms’, ‘conflict prevention’, ‘conflict resolution’, and ‘peace-building’, the idea of ‘political development’ aims to facilitate the development of a democratic agenda for ASEAN member states through less controversial terms (Sukma 2009). This can surely be read as the pretext for the inclusion of wider political issues, including human rights in ASEAN.

More importantly, one of the most notable references to human rights norms in ASEAN occurred when it successfully included the notion of human rights in the ASEAN Charter during the 13th ASEAN Summit in Singapore on 20 November 2007. Those who drafted the Charter managed to obtain consensus from all member states for respecting ‘fundamental freedoms’ and pursuing ‘the promotion and protection of human rights, and the promotion of social justice’ (ASEAN 2007). Specifically, ASEAN (2007) stipulates its organisational purposes, including ‘to strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the member states of ASEAN’. Moreover, apart from the inclusion of human rights within its core organisational norms, ASEAN also declared an important decision in establishing a formal body that would focus on dealing with human rights issues. The ASEAN Charter (2007) specifically stipulates in Article 14:

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.

The formal reference to human rights in the Charter suggested the prominent position of human rights norms within the region.

Certainly, these references to human rights also reflected the real progress of human rights in some ASEAN member countries. Before the Asian financial crisis in 1997, ASEAN member countries' participation in international human rights treaties was very low, but their political stance appeared to change after the Crisis. More ASEAN member states, like Thailand and Indonesia, adopted international human rights instruments along with shifts towards democratic progress and regime transformation (see Table 1.1). The developments within these ASEAN member states not only affected the domestic political realm of their respective countries, but also political dynamism at the regional level (Acharya 2003; Bunbongkarn 1999; Wanandi 1995). Concomitantly, these countries also adopted human rights instruments at the international and regional level. Indonesia, for instance, started to actively promote democracy and human rights norms through a specific agenda of fostering political development in ASEAN. According to Sukma (2009, 138; see also Sukma 2011) 'since the resignation of President Suharto in 1998 ..., ASEAN's largest member had been undergoing its own political development to become the third largest democracy in the world; in this respect, in calling for democracy [and human rights] in Southeast Asia, Indonesia was projecting its own experience onto the region'.

Table 1.1 International human rights treaties: Ratification and/or accession status (ASEAN member countries as of July 2017)

HR Instruments	Brunei	Cambodia	Indonesia	Laos	Malaysia	Myanmar	The Philippines	Singapore	Thailand	Vietnam
ICCPR		1992	2006	2009			1986		1996	1982
ICCPR- 1 st OP		2004					1987			
ICCPR-2 nd OP							2007			
ICESCR		1992	2006	2007			1974		1999	1982
CAT		1992	1998	2012			1986		2007	2015
CAT-OP		2007					2012			
ICERD	2015	1983	1999	1974			1969	2015	2003	1982
CEDAW	1995	1992	1984	1981	1995	1997	1981	1995	1985	1982
CROC	1996	1992	1990	1991	1995	1991	1990	1995	1992	1990
CROC – 1 st OP	2008	2004	2012	2006	2012	2012	2003	2008	2006	2001
CROC – 2 nd OP		2002	2012	2006	2012		2002		2006	2001
CRPD	2013	2012	2011	2009	2010	2011	2008	2013	2008	2015
CED		2013								

Note: Date of joining ASEAN: Brunei Darussalam in 1984, Vietnam in 1995, Laos in 1997, Myanmar in 1997, and Cambodia in 1999
Shaded areas in table: Adoption of human rights instruments around and post the Asian financial crisis; ICCPR: International Covenant on Civil and Political Rights; ICCPR – First Optional Protocol: establishing an individual complaint mechanism; ICCPR – Second Optional Protocol: abolition of death penalty; ICESCR: International Covenant on Economic, Social and Cultural Rights; CAT: UN Convention against Torture; CAT – Optional Protocol: establish a preventive system of regular visits to places of detention; ICERD: International Convention on the Elimination of all Forms of Racial Discrimination; CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women; CROC: Convention on the Rights of the Child; CROC – First Optional Protocol: restricting the involvement of children in military conflicts; CROC – Second Optional Protocol: prohibiting the sale of children, child prostitution and child pornography; CRPD: Convention on the Rights of Persons with Disabilities; CED: International Convention for the Protection of All Persons from Enforced Disappearance.

(Source: Data adapted from the Office of the United Nations High Commissioner for Human Rights, ‘Human Rights by Country’, accessed 23 July 2017, <http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>)

However, as ASEAN progressed in creating the detailed form of its human rights body, such as creating the Terms of Reference (ToR) of the ASEAN Intergovernmental Commission on Human Rights (AICHR) in 2009, hurdles became evident in advancing the process of institutionalising human rights in the region. ASEAN member states still resorted to cultural relativist arguments and avoided any clear mechanism in proactively providing human rights protection. Despite declaring the need to uphold international human rights treaties to which ASEAN member states are parties, the ToR of AICHR (2009, 4) restricted its own authority by stating the need to bear ‘in mind national and regional particularities and mutual respect for different historical, cultural and religious backgrounds’. This caveat appeared as an intended impediment against the universalist argument that ASEAN member states should fully comply and adopt international human rights standards and a basis for allowing the practice of exhibiting a gap between the Association’s rhetoric and actions on human rights protection in the region.

Moreover, the ToR of AICHR did not include any reference to the body’s authority for receiving human rights violation complaints from individuals, conducting investigations in the case of human rights violation, and for having enforcement power to stop such violation. In fact, the TOR of AICHR signalled itself as a less independent organisation with some rules, like requiring each of its representatives to be approved by its respective member state, and operating in an intergovernmental fashion through its reliance on ASEAN Foreign Ministers Meeting directives (ASEAN 2009). Several commentators have stated their disappointment in this design. For instance, *the Wall Street Journal* (2009) describes AICHR as merely ‘ASEAN’s toothless council’. Similarly, Ginbar (2010, 517) claims that it remains ‘very much a mixed bag’ (see also Gomez and Ramcharan 2010; Kelsal 2009).

As a result of this weak design, the newly founded AICHR could not intervene or assist individual complaints of human rights abuse. In late March 2010, one of the representatives of

AICHR, Rafendi Djamin, gave an apologetic statement that the Commission rejected a request to investigate a complaint by families of the slain journalist in the Maguindanao massacre in November 2009. Djamin specifically states that '[the investigation of] individual complaints is not part of the power of AICHR; not yet' (Fonbuena 2010; see also Ginbar 2010). There was no actual reference in the ToR of AICHR which gave legal authority for the Commission to deal with individual complaints. It focused on the promotion of human rights rather than substantively protecting victims in the region as its key mandate.

A further complication regarding reference to human rights in ASEAN also occurred in the ASEAN Declaration on Human Rights (AHRD) in 2012. On the one hand, the AHRD signalled groundbreaking progress in the institutionalisation of human rights in ASEAN. The AHRD demonstrated a significant change in ASEAN member states' normative beliefs about human rights, particularly as they allowed for detailed formal acknowledgement of various forms of human rights such as civil, political, economic, cultural and social rights in the Declaration (Clarke 2012; Davies 2013b). It also covered the notion of the so-called 'third generation of human rights' which reflected a more holistic view of human needs, such as the need to 'meet equitably the developmental and environmental needs of present and future generations' (ASEAN 2012; see also Clarke 2012).

Several countries in ASEAN have not adopted all existing international human rights instruments (see Table 1). For example, Singapore, Malaysia and Myanmar are not signatories to either the International Covenant on Civil and Political Rights (ICCPR) or the UN Convention against Torture (CAT); hence, the AHRD has become the 'strongest commitments these states have made to civil and political rights' and avoiding abusive torture (Davies 2013b; see also Renshaw 2013). On the other hand, being a product of consensus among ASEAN member states, AHRD still demonstrated the persisting prominent view of cultural relativism in understanding human rights and its opposition to proactive human rights protection. This

impeded universal protection of human rights. This issue is documented in several instances within the AHRD. For instance, article 8 of the AHRD (2012) contains a limitation clause which states:

Human rights and fundamental freedoms of every person shall be exercised with due regard to the rights and duties of others. The exercise of human rights and fundamental freedoms shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition for the human rights and fundamental freedoms of others and to meet the just requirements of national security, public order, public health and public morality and the general welfare of the peoples in a democratic society.

While this clause appears to take a neutral tone, it echoed the lingering traditional perspective of resorting to Asian values advocates' cultural relativist argument in maintaining the more communitarian emphasis of rights from the 'East' and defending Southeast Asian countries' national interests from the Western-dominated emphasis on individual rights (see Bui 2016; Langlois 2014).

However, despite facing resistance, progress on the institutionalisation of human rights was apparent in ASEAN, especially regarding less controversial issues. The ASEAN Committee on Women (ACW) and the ASEAN Senior Officials Meeting on Social Welfare and Development (SOMSWD), for instance, undertook a series of consultations and created a joint project for establishing the Terms of Reference of ASEAN Commission on the Promotion and Protection of the Rights of Women and Children as mandated at the 14th ASEAN Summit of 2009 (Pisanò 2016). As a result, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) was formally launched in 2010 during the 16th ASEAN Summit. The subsequent ASEAN Summit in November 2010 also adopted the Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children, which *inter alia* called on member states to strengthen the ability of ASEAN Member States to fulfil their commitments to international human rights treaties, like CEDAW and CAT (ASEAN 2010). Nevertheless, like AICHR, the ACWC is constrained by the need to balance

respect for the universality of human rights with principles of non-interference and of respect for sovereignty, minimising the actual role of the Committee in providing human rights protection. The Terms of Reference of ACWC (2010, 4) specifically does not have any mechanism or authority to receive or investigate individual complaints, recognising that ‘the primary responsibility to promote and protect the fundamental freedoms and rights of women and children rests with each Member State’.

Indeed, we can see a significant and growing number of references to human rights within post-Cold War ASEAN, ranging from the initial supportive statement of human rights in the 26th AMM in 1993 to the ASEAN Charter of 2007 and several regional human rights-related bodies in the region. Nevertheless, this process was complicated by the longstanding animosity towards the perceived Western-dominated emphasis on individual rights and proactive protection of human rights in the region. As a result, references to human rights in the region have merely taken place within the limits of, and in line with, the existing practice of privileging ASEAN member states.

ASEAN in human rights issues: Exploring *doxa*

The institutionalisation of human rights in ASEAN occurred within a specific context where existing ASEAN member states’ dominant normative beliefs meet and react with newly socialised norms. As a result, it is essential to examine not only the progress of the notion of human rights in the region, but also the nature of dominant regional norms and the ways in which human rights norms encounter such dominant norms. Specifically, there are certain norms in the region that this thesis will refer to as one of the constitutive elements of the field of ASEAN, namely the ASEAN *doxa*. New norms, including human rights, cannot be well institutionalised among all ASEAN member states without coming into contact and reacting with the existing *doxa* in the region.

The ASEAN doxa in theory

Fundamental to critically assessing social phenomena is that we cannot study our object in isolation. As elaborated in Chapter II, it is crucial to situate our object study in terms of other points of reference in practice and meaning of related practices and ideas in the so-called ‘field’. Specifically, Bourdieu urges us to be sensitive towards the practices and schemes of related actors through the concept of *doxa*. In modern societies, a certain series of norms (i.e. the standard of appropriate or expected behaviours) can become the dominant *doxa*, particularly as they represent ‘a set of fundamental beliefs which does not even need to be asserted in the form of an explicit, self-conscious dogma’ (Bourdieu 2000, 16).

In the context of Southeast Asia, the ASEAN *doxa* are predicated by certain salient repeated practices of interaction among actors, upholding certain normative beliefs; and these norms shape ASEAN regionalism processes including the reception of new norms. Specifically, the ASEAN *doxa* are respecting member states’ sovereignty equally, always searching for consensus, committing to having pacific approaches to regional problems, and preferring incremental progress in ASEAN. These norms become pre-reflexive—shared and unquestioned—beliefs as the ASEAN member states internalise and repeat them through their perceptions, thoughts and actions over time.

ASEAN constructivist scholars often focus their research on the existence of shared norms in Southeast Asia. While Acharya (2001) associates some shared norms in the region as culturally localised identity of ASEAN member states, other scholars, such as Haacke (2003), Collins (2003) and Poole (2016) regard these norms as procedural, as they closely relate to the way in which ASEAN member states diplomatically interact (Antolik 1990). Here, I argue that dominant ASEAN norms are created from the consolidation of the dominant scheme of normative perceptions in the region; and these norms can only be consolidated through the

process of habituating and normalising certain diplomatic practices in the region, resulting in having characteristics of *doxa*—being dominant and pre-reflexive across member states. Specifically, the ASEAN *doxa* are sustained by regular diplomatic practices, such as upholding intergovernmentalism, searching for comfort level for all member states via finding the lowest common denominator, watering down controversial ideas, and emphasising a ‘glass half full’ rhetoric for its institutionalisation process.

More importantly, whereas constructivist scholars generally emphasise the notion of shared norms in the region and their effects on the behaviour of ASEAN (see Acharya 2001; Davies 2013a; Katsumata 2003, 2011; Nesadurai 2009) the use of *doxa* in explaining ASEAN underlines not only the crucial position of a certain set of norms in the region but also the ways in which wider political actors in the region encounter these norms and gain power in accordance to their reaction to such norms. The ASEAN *doxa* can be understood as an overarching structure that wider political actors in the region variously reacted with during their effort to engage and socialise new norms to ASEAN, creating different power relations and quality of normative interactions. Hence, the notion of *doxa* can provide a more sensitive assessment to the practices of various political actors’ efforts in shaping the institutionalisation of human rights in ASEAN.

However, the ASEAN *doxa* by no means exists instantly. Historical context during 1960s shaped the emergence of a certain set of the ASEAN *doxa*. Several earlier regional organisations (i.e. the Association of Southeast Asia (ASA) and MAPHILINDO) had failed due to lingering suspicion and animosity among newly independent states in the region and the impact of East–West ideological rivalry within the context of the Southeast Asian political atmosphere in the 1960s. As such, ASEAN was created as a new political commitment for creating regional stability and economic development as well as reducing the highly acrimonious disputes that existed among member states, such as the conflict between Malaysia

and the Philippines over Sabah and the conflict between Indonesia and Malaysia over Sukarno's *Konfrontasi* [confrontation] campaign. Gaining its independence in 1957, Malaysia was regarded by Sukarno as a 'puppet' nation of the British government, representing a neo-colonialist threat to Indonesia. Jakarta, thus, adopted a coercive campaign in both military and diplomatic terms to undermine the existence of Malaysia from 1963 to 1966. This eventually marked not only concerns about Indonesia's power to disturb regional stability, but also the lingering foundation regarding great suspicion and historical sources of political tension among Southeast Asian countries (Narine 2009, 12; Acharya 2009b, 59).

The dramatic change of Indonesian leadership from Sukarno to Suharto following a controversial coup attempt by Indonesian Communist Party and horrific civil unrest that allegedly killed more than four hundred thousand communist party members and sympathisers during 1965-1966 opened up a new opportunity for radical transformation in Indonesia strategic agenda, including in its foreign policy. While socialist and anti-imperialist sentiments as well as suspicion of its neighbours were apparent during the Sukarno era, the new regime demonstrated a more amicable Indonesian foreign policy, particularly through discontinuing the *Konfrontasi* policy and emphasising the need for intra-regional reconciliation in Southeast Asia (see Irvine 1982). Similarly, most Southeast Asian countries also faced great internal pressure. The cost of conflict and burgeoning domestic demands for regional stability pushed these countries to commit to engaging in improved relations than those of the previous era (Antolik 1990, 10-11; Collins 2003, 127-29; Roberts 2012a, 34). The former Indonesian Foreign Minister, Adam Malik reiterates the basic motivation for the establishment of ASEAN.

Although from the outset ASEAN was conceived as an organisation for economic, social and cultural cooperation.... It was the fact that there was a convergence in the political outlook of the five prospective member-nations ... which provided the main stimulus to join together in ASEAN ... the Southeast Asian countries must develop the capacity to live with a minimum degree of internal disturbance and external interference, so as to enable the establishment of relative peace and stability, without which national development becomes practically impossible (quoted in Irvine 1982, 14).

Against the abovementioned historical context and the subsequent diplomatic practices among Southeast Asian countries, several norms consolidated into a distinct set of the ASEAN *doxa*. First, ASEAN is committed to seeking cooperation among members regarding equal respect for ‘the sovereignty and territorial integrity of all nations’ and non-interference ‘in the internal affairs of one another’ (ASEAN 1976). It is generally agreed that regional arrangements before ASEAN, such as ASA and MAPHILINDO, failed due to their strong association with being a result of power projection in the region and their inability to reduce distrust among highly suspicious member states (Anwar 1994, 126; Dreisbach 2003, 249-56; Acharya 2013, 150-55). Being established as a novel endeavour and learning from several previous regional organisations’ failures, ASEAN was expected to ‘contain disruptive disputes that had in the past distracted attention away from [the organisation’s] internal tasks’ (Irvine 1982, 11-2). Whereas the idea of respecting sovereignty may have had resonance with established international norms, ASEAN adopted this norm with a distinct practical contextualisation in the region. ASEAN, for instance, was established with fewer formal organs in the hope that this signalled greater respect for the sovereignty of member states as well as reducing suspicion.

The second dominant norm in ASEAN is consensus. It is essential to understand that most Southeast Asian countries have the experience of being colonised; thus, these countries often take a firm political stance in preserving the survival of their regime against foreign interests. In responding to this context, ASEAN was established with a declaration of intent rather than a formal charter. This certainly demonstrated that ASEAN had attempted to send a signal of harmony in the region, including flexible consultation rather than institutionalising strict decision-making processes (Hernandez 2007). As such, ASEAN could achieve agreement on shared concerns while flexibly juggling and at times avoiding sensitive issues in the region. Indeed, consensus in ASEAN may not necessarily require unanimity; although the possibility

of any agreement in ASEAN will always depend on the number and strength of member states' support on the issue. As such ASEAN member states often attempt to 'soften the controversial norms or ideas as well as to support and respect other countries' for the sake of achieving consensus (Severino 2006, 34).

Third, the norm of prioritising a pacific approach to problems is prominent in ASEAN. The core commitment of the Association is conflict prevention in Southeast Asia. Moreover, ASEAN generally avoids critical public interference and deflects disrespectful gestures toward dignitaries, as well as saving face among member states. As such, intramural interactions within ASEAN are often managed quietly and peacefully without much publication except for the final agreement. With a preference for conducting dialogue and consultation in the form of informal meetings and retreat sessions, ASEAN member states can channel the need for getting together and fleshing out their respective positions in a peaceful and respectful manner (Jayakumar 1999; Haacke 2003). Relatedly, ASEAN never publishes minutes of its meetings and rarely publishes any interim reports of ongoing projects. ASEAN publications are usually in the form of cordial final agreements/joint declarations or press releases on the final result of meetings, upholding 'closed-door' diplomacy in order to save face.

Lastly, one of the dominant norms in ASEAN is incrementalism. ASEAN institutional development has progressed to allow member states to amicably engage with each other to reduce tensions in the region. This norm emerged as ASEAN was expected to set realistic achievable objectives for intra-ASEAN co-operation, bearing in mind various economic and political features of each member state, lingering distrust among member states, and an acceptable pace for all parties in the region. Within this context, process is highly respected, even well regarded, irrespective of the outcome. Process is useful in dealing with sensitive issues, allowing ample time for all parties to come to terms with one another and various issues, appreciating every small step towards progress. Indeed, as the abovementioned norms proved

to be effective in creating a ‘comfort zone’ for member states, these became the regional *doxa*. A high-ranking diplomat in the Indonesian MOFA (interview participant A02 2016 [translated except for italics]), for instance, elaborates his appreciation and conviction of longstanding normative guidance in the region, confirming the normalised and unquestionable nature of such norms among ASEAN member states.

We need to see an evolutionary progress as the [pattern] for ASEAN regionalism. [The Association] has been going through what I call a *building blocks approach* or *step-by-step approach*. This spirit is the foremost element that built [ASEAN’s] durable regionalism. We realise that the preference of *building-blocks approach* or *step-by-step approach* is well accepted by all ASEAN member states. The other element is the commitment to collaboratively work together under the framework of *capacity building* and strengthening ASEAN integration which is based from the spirit of searching for *comfort level*. This *comfort level* is essential in ASEAN. Unlike European [Union] which is more likely to impose [its institutional power to all its members], there is no EU-like supra nationalism in ASEAN. ... [Lastly] another core spirit of ASEAN is *consensus*. ... It has become like a mantra for ASEAN. Any decision should be based on *consensus*. We do not support *voting* mechanism although some scholars have suggested us. As such, there is no real ASEAN minus X-formula. In supporting and strengthening ASEAN integration, *no one will be left behind*.

Interestingly, it is essential to note that the abovementioned confirmation of the dominating *doxa* exists alongside distinct diplomatic practices in sustaining such *doxa*. The myriad of ASEAN mechanisms, including the diplomacy of maintaining consensus, and the repeated narrative of strengthening ASEAN integration reflect member states’ attempts to maintain the regional *doxa*. In other words, the recurring practice of what member states believe as maintaining the relevance and strengthening the organisation reinforced the regional *doxa* itself. Thus, throughout the development of ASEAN since its establishment, any new institutional progress is expected react to and engage with the existing *doxa*, including in human rights issues.

The ASEAN doxa in practice

The dominant *doxa* within the field of ASEAN was evident in the institutionalisation of human rights norms in the region. In fact, ASEAN member states are often deemed to be resorting to

the ASEAN *doxa* as they react to the socialisation of human rights. One of the examples of ASEAN *doxa* in practice is the Association's progress at the height of the Asian values debates on human rights in the early 1990s. In response to the determined promotion of human rights norms by Western countries following the demise of the Cold War, a newly articulated reaction emerged in Southeast Asia. ASEAN member states, particularly Indonesia, Malaysia and Singapore, expressed their resentment of how the West try 'to impose its view of human rights on developing nations' (Suwondo 1993). Leaders of these states, such as Suharto, Mahathir Mohamad and Lee Kuan Yew, often criticised existing human rights promotion as a Western-dominated imposition and hypocritically pushed by former colonial powers. Countering such pressure, ASEAN emphasised that societies based on 'Asian values' are 'group-oriented rather than atomised, valuing duty to the community over the assertion of rights'; and as a result, the respective society tends to urge all citizens to work towards a 'consensus-seeking' goal rather than providing protection for individual rights that may harm 'public harmony' (Thio 1999, 2).

Within the context of regional institutions, ASEAN member states' reaction to promoting Asian values for human rights reflected the dominating ASEAN *doxa*, particularly in relation to how member states resorted to the normative preference of respecting state sovereignty (non-interference). Reacting to Western powers' growing international pressure towards several human rights violations in Southeast Asia, such as the complaint to the Indonesian government at the UN forums and EU-ASEAN dialogue over the military abuses committed in the East Timor, ASEAN member states emphasised that international human rights law need not necessarily apply to them. In fact, ASEAN elites often argued that human rights norms were Western and therefore did not conform to Asian culture (Thio 1999, 50; see also Acharya 1995).

However, while Southeast Asian countries generally responded to the promotion of human rights with animosity, ASEAN gradually accepted the need to come to terms with

emerging human rights promotion in the international arena. Several ASEAN member states, including Indonesia, realised that they needed to respond to changing global trends and the human rights debate. Former Indonesian Foreign Minister (interview participant A01 2016 [translated except for italics]), specifically illustrated how global politics changed at the end of the Cold War era, and Southeast Asian countries could not avoid the burgeoning universalist perspective on human rights:

[There was a longstanding debate whether] *human rights is nothing without civil and political rights* or *human rights is also* [about] *social and cultural rights*. It was only settled in Vienna during the World Convention on Human Rights in 1993 It was settled in 1993 because the Cold War had ended in 1989. In 1993 there was ASEAN Foreign Ministers' Meeting in Singapore ... [which] stated in paragraph 18 that *Foreign Ministers would consider the establishment of ASEAN human rights mechanism*. That was the result of how we all still needed to respond to the Vienna Conference.

Nevertheless, ASEAN's Joint Communiqué of the 26th AMM in 1993 did not represent genuine acceptance of Western-led human rights promotion. The Communiqué reflected the way in which ASEAN member states allowed the inclusion of human rights but applied boundaries around their acceptance. It signalled support towards the consensus nature of the Vienna Declaration in respecting Asian countries' position, particularly as it did not contain legal authority to intervene in other countries' human rights problems and acknowledged 'respect for cultural diversity [which] is compatible with universality in its fifth statement' (Brems 2001, 67-8). ASEAN member states even extended this context by underlying a caveat that human rights protection should respect local cultural, social, economic and political circumstances, manifesting in several formal documents like Final Declaration of the Regional Meeting for Asia of the World Conference on Human Rights (Bangkok Declaration) in 1993. The practice of both accepting human rights and giving caveat of the accepted implementation of the norms could be reached as member states sought amicable support as well as to preserve regional consensus and solidarity. Singapore, for instance, exemplified the practice of this

doxa. Then senior Singaporean diplomat, Bilahari Kausikan (1994), attempted to defend the practice of human rights in ASEAN and save face for Indonesia in his article in *Foreign Policy*.

And it is not self-evident that the cause of human rights will really be advanced if ... Indonesia ..., which contain a diversity of ethnic groups, disintegrates under such centrifugal pressures, generating instabilities across the region. It is immoral for the West to give East Timorese ... false hope by encouraging wild dreams of self-determination. Better to help the East Timorese ... improve their lot within the existing system.

Moreover, despite agreeing to consider the establishment of a regional mechanism on human rights, the 1993 Joint Communique signalled how ASEAN could reach an agreement based on incrementalism. The absence of a definitive timeline and lack of further action for the next couple of years reflected member states' preference for incrementalism. Hernandez (2007, 9) aptly illustrates that 'non-binding decisions, voluntary compliance, and no costs for non-compliance' were key in maintaining the solidity of the Association; and in doing so, it gives member states ample time to gradually manoeuvre, including reducing possible tension after the introduction of a new controversial norm, and providing leadership on how other countries can deal with new norms or issues. In other words, ASEAN often preferred a more sympathetic view of regional progress, including believing in progress within the metaphors of preferring to believe the glass was 'half full' rather than 'half empty' (Quayle 2013, 61).

ASEAN's lack of progress on human rights after 1993 was indeed linked with the perceived need to strategically maintain ASEAN solidity. The formal acknowledgement of human rights in 1993 was a big shift in ASEAN diplomatic practice; and as such, the rhetoric-action gap on the issue of human rights after it was unsurprising (Davies 2014a; Narine 2012; Rüland 2014). Moreover, as the Association later focused on mitigating the risk of increased political diversity among its members during its expansion in accepting four new members (Vietnam joined ASEAN in 1995; Laos and Myanmar in 1997; and Cambodia in 1999), ASEAN seemed to avoid further discussion on detailing human rights measures in the region. Clearly, decision making by consensus is essential for ASEAN; if member state clearly signal

objections to sensitive issues, no further progress can be made. As such, in the light of major institutional development, namely the membership enlargement process, ASEAN sought to avoid challenges to harmony and to put the institutionalisation of human rights aside.

The abovementioned elaboration of the ‘Asian values’ debate and the official inclusion of human rights in 1993 can be regarded as manifestations of the ASEAN *doxa* (Table 2). This phase of human rights institutionalisation was not meaningless. Rather, the existing experience signified the context of how new norms should constantly engage with and understand limits within the ASEAN field, particularly in reacting with the dominant *doxa* in the region.

Table 2.1 The ASEAN *doxa* and its practice in human rights issues

The ASEAN <i>doxa</i>	The ASEAN <i>doxa</i> practice in human rights issues
Equal respect of state’s sovereignty (non-interference)	Organisational pattern of Intergovernmentalism
	Full respect towards government officials (exclusivity for government apparatuses)
	Non-interference on domestic and sensitive issues
Consensus	Searching for comfort level through identifying the lowest common denominator
	Committing to leave no one behind (no ASEAN minus-x formula outside economy)
	Watering down process for controversial norms
Pacific approach to regional problems	Quiet diplomacy – saving face
	Constructive engagement – leading by example
	Series of informal meetings
Incrementalism (building blocks approach or step-by-step approach)	‘Glass half full’ rhetoric
	Isomorphic mimicry

Indonesia’s role in human rights issues

Despite dominant regional *doxa* and the striking tendency to preserve *doxa* through diplomatic practice, the ASEAN institutional framework is not static. ASEAN member states, for example, can socialise new norms in the region in order to recalibrate dominant *doxa*. This occurred with the progression of human rights institutionalisation in ASEAN. Given significant pressure from the international community, such as after the Asian financial crisis, ASEAN member states reacted in different ways. At this juncture, some member states, such as Indonesia, could

respond to the crisis and strategise a distinct foreign policy, including socialising human rights in ASEAN.

As the largest member state, Indonesia is often deemed to be the traditional leader of ASEAN. With its sheer size and strategic position, Indonesia has generally been viewed as the giant of Southeast Asia. Antolik (1990, 17), for instance, claims that ASEAN can have long-lasting existence in comparison with other regional organisations because it includes the biggest state in the region, namely Indonesia (see also Leifer 1989). Caballero-Anthony (2005, 3) also notes the importance of Indonesia in ASEAN, arguing that Jakarta ‘has carried the mantle of leadership since the organisation was established in 1967’.

Leadership in a regional organisation can be viewed as a driver that can push and facilitate the process of achieving mutual consent, or as a powerful actor that can deter and prevent unorthodox preference within the regional decision-making process (Rattanasevee 2014, 114). However, within the context of the field of ASEAN, the idea of leadership should take the dominant ASEAN *doxa* into account. Aligning with the elaboration in Chapter II, distinct reaction to the ASEAN *doxa* can ordain certain actors with certain symbolic power, including being perceived as leader in the region. Being leader in ASEAN, thus, means having the quality of being perceived as an amicable power who can provide support and progress to the Association according to the dominant *doxa*, such as being capable of suggesting palatable ideas and norms that respect equal sovereignty of member states and attract consensus among all member states as well as being capable of developing diplomatic approach that avoids open-conflict and maintains the unity of the Association.

This idea of leadership has been successfully demonstrated by Indonesia. An obvious example is Jakarta’s leadership in the early era of ASEAN, particularly in hosting the first ASEAN summit in Bali in 1976. In reacting to the structural context of Cold War ideological rivalry and the growing external threat in the region, especially Communist unification of

Vietnam in 1975 and threat of controlling Cambodia and Laos, member states reached two main agreements during the first ASEAN summit in Bali, namely the Declaration of ASEAN Concord (Bali Concord I) and the Treaty of Amity and Cooperation (TAC). Both agreements have been viewed as official documents outlining the norm-based code of conduct for regional inter-state relations, containing the terms of reference for the ASEAN *doxa* such as respecting sovereignty and non-use of force in the region (Khong 1997, 320; Elliot 2003, 37; Emmers 2014, 554-55).

Specifically, there are two ways of understanding Indonesian leadership in the early era of ASEAN. On the one hand, Indonesia leadership in declaring the abovementioned norms reassured other ASEAN member states that they could trust each other. Clearly, most member states were concerned with the grim prospect of ASEAN's credibility if Vietnam's aggressive behaviour during reunification and towards Cambodia went unchallenged. This view reflected many statements issued by ASEAN during that time, referring to 'Vietnam's action as a breach of norms that ASEAN valued' (Busse 1999, 49). Coupled with the US withdrawal from Vietnam in 1973, Southeast Asian countries, especially those which relied on foreign power, were nervous. Thus, Indonesia's leadership was deemed necessary in symbolising member states' support for ASEAN core goals, especially the commitment to regional peace and stability. Jakarta's leadership in facilitating the ASEAN Concord I (Bali Concord I) and Treaty of Amity and Cooperation in Southeast Asia (TAC) removed doubt about its position in relation to Vietnam, despite the fact that Jakarta could opt for narrowly defined interests in cooperating with the aggressor (Anwar 1994; Smith 2000). The Indonesian New Order regime realised the need to both calm its suspicious neighbours and convince other members to avoid drawing in external powers to manage regional conflict. As such, Indonesia's leadership in signalling strategic restraint and facilitating information sharing in the region could sustain ASEAN's

relevance, despite other member states' existing reliance on security partnerships with external partners (Tan 2013a).

On the other hand, Indonesian leadership is also shown by its ability to provide palatable ideas to other member states, aligning with and even enriching the dominant *doxa* in the region during the early era of ASEAN. One example was Jakarta's successful promotion of its domestic norms, especially the notion of '*ketahanan nasional*' (national resilience) to ASEAN. Indonesia, especially through the then President Suharto and Foreign Minister Adam Malik, recurrently suggested the need for reassessing ASEAN goals and priorities and the proposed logic that each ASEAN member should somehow be responsible for its own security rather than relying on external states, symbolising a sense of building *ketahanan nasional* (Indorf 1975, 16; Anwar 1994, 175-76). This was clearly rooted in Indonesian strategic thinking about the need to build resilience for both domestic and regional stability, namely the belief that core survival of the state relies on the foundation of stable economic and social development, as well as the belief that regional stability requires minimum international ideological confrontation (Anwar 1994, 174). The Indonesian president, Suharto, clearly illustrated this idea at the opening of the ASEAN Summit in 1976.

It must be clear to us and the world that we have no intention to establish a military pact, as it was misinterpreted by some people. Cooperation among us in the realm of security is neither designed against others nor certain parties. Our concept of security is inward-looking, namely to establish an orderly, peaceful and stable condition within each territory, free from any subversive elements and infiltration, where-ever their origins may be (Suharto as quoted in ASEAN 1978)

Suharto's statement contained a subtle narrative in that by agreeing to Indonesia's security in building regional resilience, there was an opportunity for ASEAN member states to collaboratively develop an 'area of indigenous stability, based on indigenous socio-political and economic strength' (Anwar 1994, 176).

Despite being seemingly opaque, Indonesia's concept of *ketahanan nasional* successfully became an intermediary lexicon which allowed other member states to have room

for political manoeuvring, especially in relation to focusing on their interests while, at the same time, signalling collaborative effort in the region (Emmers 2004, 11; Tan 2016, 145). As a result, ASEAN member states could willingly adopt the principles of national and regional resilience as an apparently bottom-up approach in further defining ASEAN's institutional framework.

Importantly, Indonesia's approach to the region signalled essential characteristics of norm dynamics in institutionalising ASEAN. First, regional norms and institutional frameworks are not totally fixed. Dominant regional norms emerge and evolve as ASEAN reacts to regional problems and responds to one or more member states' efforts in proposing new norms or ideas. As such, Jakarta's effort at that time in promoting self-reliant power in the region signified early practices associated with the ASEAN *doxa*—equal respect for sovereignty, consensus, pacific approach to regional problems, and incrementalism. Second, the recognition of norms promoted within the region is important. This recognition is exemplified through Indonesia's attempt to influence and add associated meaning to the ASEAN *doxa*. It is worth noting here that Indonesia's foreign policy towards ASEAN at that time specifically aimed to influence other states without coercion and create a convenient multilateralism 'in which smaller states could feel less outclassed when dealing with Indonesia, or with no need to form a polarising coalition in the region' (Rattanasevee 2014, 124; see also Antolik 1990, 159). Thus, Jakarta's ability to influence was boosted by its action in gaining respect and recognition from other ASEAN member states. In other words, symbolic power is crucial in shaping ASEAN. A political actor in the region, who can nimbly adapt to existing regional norms and skilfully show leadership in introducing ideas to solve regional problems, is highly regarded in ASEAN.

Indeed, within the field of ASEAN, a dynamic social process of cognition and recognition of dominant norms and member state positions in the region exists. As such,

throughout the progress of human rights institutionalisation in ASEAN, we can see how Indonesia has been actively involved in several ASEAN milestones, in both understanding existing *doxa* and strategically wielding the norm socialisation process. This is specifically enhanced by normative attributes gained from external relations, especially in the form of credibility and recognition that Jakarta can help resolve collective disputes and promote institution building in ASEAN (Emmers 2014, 546).

Throughout the progress of how ASEAN gradually adopted human rights norms, we can see how Indonesia played a crucial role in achieving several milestones, such as: the initial formal recognition of human rights in the Joint Communique of the 26th AMM in 1993; the establishment of regional human rights body through the ASEAN Charter of 2007; and detailed human rights provision in the AHRD of 2012. The idea of promoting human rights from the gradual introduction of the notion of political development in 2003 to the full concept of human rights in the ASEAN Charter of 2007, for instance, grew in conjunction with Indonesia's active involvement in ASEAN, particularly post the Asian financial crisis (see Roberts and Widyaningsih 2015). The manifestation of Indonesia's active leadership in promoting human rights began with its proposal to build the ASEAN Community in 2003 (Bali Concord II), which placed the specific concern of developing regional measures in dealing with human rights issues under the less controversial term of 'comprehensive security' and the ASEAN Security Community (ASC) as one of three main pillars of ASEAN. As ASEAN progressed, Indonesia managed to persuade other member states to openly accept the notion of political development as one of the 'strategic thrusts' in building the ASEAN Security Community with a series of tangible measures manifesting in the VAP of 2004, and the ASEAN Security Community Plan of Action (see Roberts 2012b). ASEAN, in fact, further reformed this pillar, resulting in the transformation of ASC into the ASEAN Political Security Community (APSC) in 2009.

Specifically, Indonesia's proposal for an ASC signalled its effort to exercise its leadership, offering the solution for reviving ASEAN's legitimacy after the Asian financial crisis. Indonesia specifically envisaged that the future of ASEAN should not be based on the habit of avoiding any discussion on sensitive issues for the sake of upholding the unity of ASEAN and its *doxa*. Instead, ASEAN should have a more open and proactive attitude in discussing regional problems and ideas for progress, such as promoting of democracy and respect for human rights. The then Indonesian Foreign Minister (interview participant A01 2016 [translated except for italics]) clearly illustrates Jakarta's normative considerations in pushing for socialising human rights norms within the ASC concept.

It is impossible to build a *strong* and cohesive ASEAN without dealing with *political orientation* of its member states. It was because of that in April 2003, three years after the *Reformasi*, our diplomats proposed the concept of *political and security community* [to other ASEAN member states]. Why? At that time, we know Singapore had endorsed a solution for the economic crisis that has plagued ASEAN. ASEAN competitiveness was bad and there was urgency to build the so-called ASEAN Economic Community. For me it was concerning. Look at [Indonesia's] national experience. The concept of development that focuses only on economic [sector] can end in a collapse; and it can collapse badly. Hence, I have *been advocating for a more balanced concept of development*. It is not only *economic sector* that is important, but also *political and security sector*. The political development was absent in [Indonesia at that time]; and it turned out to be the *root causes* of our crisis in 1998. The Asian financial crisis only triggered the crisis but not the *root causes* of our [collapsed condition] I do not deny that *economic community* was important, but I also think that *political and security community* was essential, especially as it brought our values of democracy, *human rights, conflict resolution* and *good governance*.

This clearly demonstrated how Indonesia tried to push new norms through non-confrontational narrative. Nevertheless, this normative socialisation process did not try to radically change ASEAN, especially as it is still conducted in accordance to the ASEAN *doxa*, particularly in providing palatable and reassuring narrative that embracing democracy and human rights norms in the region could save and strengthen ASEAN's ability to deal with wider regional challenges.

In its regional policy agenda, like on ASC and ASEAN Charter, Indonesia gradually pushed all other ASEAN members to recalibrate the traditional meaning and narrow practices

of the existing *doxa* regarding strict non-interference, for example, by proposing the creation of a peacekeeping force in the region as well as a series of controversial measures to promote democracy within the framework of ASC (see Capie 2016; Emmers 2014). As the attitudes of ASEAN members toward liberal reform vary, Indonesia closely engaged with other democratic countries such as the Philippines, Malaysia, and Thailand in supporting the introduction of liberal agendas for ASEAN. Moreover, to support diplomatic discussion in the region around the preparation of ASEAN Charter, for instance, national human rights commissions in Indonesia, Malaysia, the Philippines, and Thailand endorsed a position paper on possible human rights aspects in the charter to the High-Level Task Force (HLTF) on the drafting of the ASEAN Charter (Phan 2008, 10).

However, Indonesia's concerns for democracy and human rights agenda were often met with suspicion and discomfort by other ASEAN member states which preferred the status quo (see Sukma 2009, 137-8; see also Katsumata 2009, 627; Wain 2004). ASEAN countries were often divided into three camps, such as during the drafting of ASEAN Charter. During the preparation of ASEAN Charter, Indonesia and Thailand supported the inclusion of human rights norms in the Charter and the establishment of a regional human rights body, Malaysia, the Philippines, Brunei and Singapore occupied the middle ground, and Vietnam, Laos, Cambodia and Myanmar opposed the idea (Koh 2009). Aung Bwa (2009, 33) specifically argues that Indonesia and other democratic countries were adopting a 'holier than the Pope' approach in promoting human rights standards to other non-democratic countries in ASEAN. *The Jakarta Post* gave an account of the HTLF discussion on the drafting of the ASEAN Charter that 'rumours have been circulating that ... several member countries have asked for the removal of references to human rights and democratic values from the Charter' (Khalik 2007). As a result, Indonesia was urged to 'redraft its plan of action after some of its proposals'

in order to gain the consensus of other ASEAN member states for including human rights aspects in the ASEAN formal institution (Emmers 2014, 556; see also Khalik 2007).

Indonesia's experience in promoting human rights through political development from 2003 in the lead up to the ASEAN Charter of 2007 reflected two essential points. First, it demonstrated the general tendency of ASEAN member states to uphold existing dominant *doxa* and to resist any change. Second, it signalled how Indonesia continuously tried to socialise human rights norms in the region, suggesting the need to change the way ASEAN operates (Alatas 2001). As ASEAN progressed, Indonesia managed to work with other democratic member states and to persuade others to openly accept intermediary lexicons, such as the notion of political development, for reforming the regional mechanisms and adopting new norms, like human rights (in both the VAP of 2004 and the ASEAN Security Community Plan of Action). However, the Indonesian achievement in collaborating with other democratic countries and gaining consensus among all countries in the region to gradually build human rights mechanisms in ASEAN was not without cost. Both the VAP and the ASC Plan of Action were the result of Indonesia's watered down original proposal. Both agreements, for instance, did not contain clear reference to open general elections as a key indication of democracy and widening political participation. Despite containing the importance of 'human rights' within the political development strategy, both the VAP and ASEAN Security Community Plan diluted the original idea of upholding 'human rights and obligations [to such norms]' (Sukma 2009, 139-40). Similarly, the ASEAN Charter, which was adopted in the ASEAN 13th Summit in 2007, did retain the notion of 'democracy' and 'human rights' as the core principle of the Association; but, it did not explain how human rights norms would be pursued in a detailed manner, or even what would happen if members did not pursue such norms. This reflected the fact that as it prepared for pushing the idea of recalibrating of existing *doxa* and attaining regional consensus for ASEAN to work on a human rights agenda, Indonesia also prepared to

make concessions with other member states' objections and respect the dominance of ASEAN *doxa*.

Clearly, the Indonesian government, especially through the Indonesian Ministry of Foreign Affairs (MOFA), had been pushing its human rights agenda, particularly by proposing related ideas to ASEAN as well as convincing other countries of the value of adopting such a proposal. With slightly different paths, the general pattern for Indonesia's action in institutionalising human rights in ASEAN constitutes a series of processes. Firstly, the Indonesian government, with sometimes the help of other democratic member states like the Philippines and Thailand, proposes an idea to adopt and embrace human rights norms in ASEAN. Secondly, other ASEAN member states respond, and share their remarks and concerns about the proposed new human rights ideas and measures. After such debate, the only way of gaining consensus is to search for the lowest common denominator. This eventually pushed Indonesia into engaging in the next process of socialising human rights, namely revising and watering down the initial proposal to accommodate extreme critics. Only by doing so, can it signal a reconciling gesture to embrace all member states, which offers incentives for other member states to come to terms with the diluted proposal. For Indonesia, it means that in order to recalibrate the ASEAN Way and make it effective, it must respect the existing dominant *doxa* and readily engage in the process of moderating the negotiated text in the agreement.

Nevertheless, it is crucial to note that Indonesia's position in pushing for human rights institutionalisation in ASEAN was not generated solely from the MOFA. Some senior diplomats, indeed, argued for the cardinal position of government throughout the process of human rights socialisation; yet, they also recognised the role of CSOs. According to one of the senior diplomats from the Indonesian MOFA (interview participant A09 2016 [translated]),

I see that the Indonesian government's orientation to [promote] human rights is based on the aim for harmonising domestic development with international dynamics. That is

why [the MOFA] was the active promoter for the establishment of KOMNAS HAM [in 1993] and the supporter for CSOs to join [regional] meetings. We even endorsed the need to have a legal framework on human rights and realised the need to get enough support from the human rights defender in Indonesia. Hence, the Indonesian government has a big role in [human rights issues]. Similar to the Bali Concord II, we wanted our idea to gain support. Thus, as we had difficulties to convince other states' delegates, I talked with second track of ASEAN-ISIS and asked them to discuss ASEAN community with each of its respective government. There was a clear result [after that]: other states' resistance started to diminish. Although other member states might not vocally support [our proposal], they did not refuse it either.

As ASEAN's institutional framework by nature is an intergovernmental organisation, the role of government is undoubtedly paramount; and throughout the history of ASEAN, the role of the Indonesian government certainly has a notable record, even when compared to any non-state actor in the region. However, despite some senior diplomats' emphases on the importance of the government's position in pushing human rights institutionalisation in the region, the role of CSOs, especially in the form of think-tanks and non-government organisations (NGOs), is also essential.

The role of CSOs can be seen from two important aspects. First, CSOs can often be the source for external input. While the Indonesian government was eager to reform ASEAN, it also needed interesting proposals to be brought before the Association; and in doing so, it often solicited resourceful CSOs with fresh and promising ideas. One of the high-ranking diplomats from the Indonesian MOFA (interview participant A05 2016 [translated except for italics]), specifically illustrates this trend.

As our country was undergoing transformation, there was an emergence of CSOs ... and think-tanks, like CSIS was more active in engaging with us. Honestly, we received a lot of input from them. We actually had established engagement with CSIS, but it was more intensive after the *Reformasi* We, on the other hand, are also open to different opinions. Other government institutions might still have strict a New Order mentality. But we did not. Against this background we often seek input from the public. In the context of ASEAN, we specifically hope to forge a new approach [in ASEAN mechanisms] by assessing the public mood.

This suggested the Indonesian government has been committed to hearing more from the CSOs than from other Indonesian government institutions. One example is the Indonesian government's open-minded approach in 2003.

Second, the role of CSOs can be crucial in facilitating communication among wider actors, such as other member states' diplomats or representatives, as well as other CSOs at both domestic and regional levels. As each country has a certain traditional primary issue, such as Indonesia's with political and human rights, it needs to build less formal and convenient interactions with wider actors in the region. Here, CSOs can facilitate connecting and coordinating interests and voices from the government to civil society and *vice versa*. An Indonesian senior diplomat (interview participant A09 2016 [translated except for italics]), illustrates this process.

It was normal for us during the [preparation for ASEAN negotiation] process that we held *interdepartmental* and *stakeholder meetings*. [We know that] new ideas that come from the government are often less interesting and even [attracting] resistance. We tried, especially during the Suharto era, to make that new ideas were not coming from the government, but instead from [other] stakeholders.

Moreover, the role of Indonesian CSOs was important, even before the *Reformasi* era. Whereas Indonesia was generally deemed to be under semi-authoritarian rule and an anti-human rights regime during the New Order, the existence of Indonesian CSOs was still somewhat evident in the domestic political realm. The initial development of human rights, for instance, existed within the domestic realm since the 1990s, particularly as reformists in government started to closely interact with activists and CSOs outside the government. According to one of well-known ASEAN scholars (interview participant E02 2016) the period of pre-*Reformasi* (i.e. approximately from 1993 to 1997) was a 'very critical formative period where thinking about human rights evolved', CSOs (and prominent member activists) 'which had then [led] the way to push ideas' gradually adjusted to the field of ASEAN and enabled transition to both the Indonesian reform era and the transformation era in ASEAN. This process

facilitated the gradual socialisation of human rights, previously suspected as an alien idea, into reformist minds and their elite circles.

Among active Indonesian CSOs during the Suharto era were the CSIS and human rights activists, such as Marzuki Darusman. As one of the first non-state organisations to fill the gap in the government's knowledge on foreign policy and to advocate on broader strategic and international issues, CSIS worked with other regional CSOs, suggesting the need for ASEAN to respond to the Vienna Convention and to consider the establishment of a regional mechanism on human rights (Kraft 2006; Soesastro, Joewono, and Hernandez 2006a). Moreover, Marzuki Darusman had also actively engaged with human rights since the establishment of KOMNAS HAM in 1993 and in 1995, he was actively involved in forming the Working Group for an ASEAN Human Rights Mechanism, a loose network of prominent human rights lawyers, scholars and activists in Southeast Asia. Both CSIS and Marzuki maintained their engagement after the *Reformasi*, especially as the Indonesian government pushed for the inclusion of human rights norms in the ASEAN Charter.

Different from CSIS, several other CSOs started to advocate regional human rights issues post *Reformasi* era. Among them were KontraS and HRWG. These two CSOs started to engage with the Indonesian government and other regional CSOs, shifting their focus to not only advocate for human rights at the Indonesian domestic level but also at the ASEAN level. This was in step with Indonesia's changing political structure from an authoritarian regime to a more democratic order and greater aspiration to push for ASEAN reform. However, while having similarities as non-state actors, these Indonesian CSOs had different approaches to engaging with the Indonesian government and ASEAN on regional human rights issues. Likewise, while being traditionally associated as an active promoter of ASEAN political reform, the ways in which Indonesia pushed and promoted human rights agendas in the region

were shaped by various factors, including the result of its engagement with different Indonesian CSOs.

Conclusion

Whilst other scholars have been critical of the weak institutionalisation of human rights in ASEAN, especially due to normative emulation and disunity of normative beliefs among member countries (Jetschke and Rüland 2009; Davies 2014a), this chapter has attempted to make sense of the deeper dynamism in ASEAN, particularly the way in which relevant political actors in the region reacted to the idea of human rights. Human rights were traditionally regarded in the region with great suspicion; and as such, normative socialisation can only happen when member states gradually accept the norms and push them within the existing regional mechanism in ASEAN.

Two essential contexts are evident in this case. Despite being heavily constrained by the dominant diplomatic practice in preserving the regional *doxa*, namely non-interference, consensus, pacific approach to regional problems, and incrementalism, the human rights lexicon was gradually accepted by ASEAN member states. The institutionalisation of human rights, thus, often relied on how the norms were narrated and socialised as a palatable and less controversial notion that allowed member states to preserve their privileges and sovereignty according to the existing dominant *doxa*. Secondly, while it has been pushing for ASEAN to embrace human rights, Jakarta is often constrained by the existing *doxa*. As a result, Indonesia can be an actor that both adroitly recalibrates the traditional practice of resisting human rights discussion in the region, but at the same time, yields to the need for diluting its initial proposal for gaining consensus among member states. Within this context, the existence of ASEAN-focused Indonesian CSOs is essential as they can engage and push both the Indonesian position on human rights issues in ASEAN and the connections with wider stakeholders in ASEAN.

While this chapter has unveiled the ASEAN *doxa* in human rights issues, the next chapter will specifically explore the other crucial element of the field of ASEAN, namely exploring the political map of the relevant political actors, especially the existence of Indonesian CSOs and their normative position in the ASEAN political space.

Chapter IV:

Exploring Indonesian CSOs in the Field of ASEAN

While some scholars retain a narrow view that the ASEAN institutionalisation process ought to be viewed through an analytical lens which considers the dominant state-centric nature in the region (for example, Leifer 1999; Acharya 2009b, 186), this thesis asserts that the existence of CSOs' advocacy on regional issues contributed a more complex picture of the ASEAN process. This occurred especially as Southeast Asian countries, including Indonesia, became more democratic and gradually opened up their political space for CSOs' advocacy on regional issues, allowing them to engage with the regional lexicon, to a considerable degree. However, the quality of engagement of these CSOs is not uniform, as it crucially depends on their interactions with other actors in ASEAN. This chapter explores the one of the crucial aspects from the main research question, namely how Indonesian CSOs engage with other actors in socialising human rights norms in the region. It specifically investigates the origin and development of Indonesian CSOs' advocacy in ASEAN and assesses their different normative positions. In doing so, this chapter, shows the map of the relevant political actors in the field of ASEAN.

It is important to note that the existence and engagement of Indonesian CSOs in the field of ASEAN is dynamic. We cannot assume that all political actors automatically conform to the human rights norms and harmoniously engage with other actors in the field. As such, we need to carefully assess how each political actor defines itself and engages in the field of ASEAN, particularly in its actions within the observable political space. This political space refers to the 'avenues for contesting and shaping public policy', particularly as the authority requires political support and input from wider stakeholders; yet it does not always embrace or grant legally protected rights to CSOs (Rodan 1997, 158). As such, the concept of space

indicates a *site* for strategic action in which CSOs are expected to exercise their agency to interact with other political entities to gain access and become an active actor within the integral system of the public realm and policy deliberation (Alagappa 2004, 32-9, see also Bourdieu 1985, 724).

The previous chapter explored the nature of regional norms development within the field of ASEAN, particularly the longstanding tension between the tendencies of member states to maintain an entrenched regional *doxa* versus the willingness to embrace new norms, such as human rights. Within this context, this thesis notes that Indonesia has demonstrated its distinct political agenda in pushing for the recalibration of ASEAN norms while signalling its commitment to promoting human rights and maintaining regional stability; and this very process was concomitant with the growing interests of Indonesian CSOs in advocating human rights issues to ASEAN. Nevertheless, it would be misleading to claim that Indonesian CSOs have the same normative positions and equal relational power in engaging the field of ASEAN. Hence, I undertake a more careful exploration, particularly in assessing these CSOs' understanding of ASEAN as they engage in ASEAN political space.

In this chapter, I argue two important points that can shed light on how Indonesian CSOs engage with ASEAN in socialising human rights norms. First, despite the strong control from the member states, the field of ASEAN is dynamic. The number of relevant political actors in the field of ASEAN is changing along with the increasing CSOs' interest in regional politics and ASEAN's transformation in responding to CSOs' engagement. This clearly occurs in the context of how ASEAN political space evolves and embraces CSOs. While during the Cold War era the field was consisted of a small number of actors dominated by member states and some CSOs (in the form of think-tanks and elite activists) with close affiliation with Southeast Asian governments, the contemporary field of ASEAN is comprised of a larger number of political actors from member states and more varied types of CSOs. Second, there

are several Indonesian CSOs' normative positions and identity formations in the field of ASEAN. On the one hand, some Indonesian CSOs, which started to engage during the Cold War era, did well in pushing for the expansion of the ASEAN political space as they base and position their identity as a *supportive* agent for the member state. On the other hand, some other Indonesian CSOs, which started to engage with the Association after the expansion of the ASEAN political space in 2003, often based their normative identity on the logic of CSOs as a forefront actor in *criticising* member states and defending grassroots' concerns.

Understanding the ASEAN political space for Indonesian CSOs

The previous chapter noted that ASEAN was established by five Southeast Asian states in order to manage intramural relations after several bitter disputes and to preserve regional stability against the communist threat during the Cold war period. This genesis created a distinct set of 'core norms' which embody the ASEAN *doxa*. Thus, the initial nature of ASEAN's political space for non-governmental bodies was limited. However, ASEAN has gradually opened up its political space for CSOs along with the rising rhetoric of promoting a more 'people-centred' approach to regional institutionalism.

Although its size might be different from time to time, the existence of ASEAN political space signals an opportunity for CSOs to engage with ASEAN. As such, CSOs' engagement in ASEAN political space can be understood as a process in which they are being exposed to the field of ASEAN and having a chance to socialise their norms to other actors the region. However, as the conceptualisation of political space allows us to signify agency, it is imperative not to treat CSOs as always having access, nor being the only active actor in the space. Instead, we need to cautiously denote the various (and often competing) entities within the political space (Alagappa 2004, 33). This thesis, thus, considers a detailed account of Indonesian CSOs' engagement at two levels, namely domestic (i.e. the possibility of meaningful engagements

between CSOs and the Indonesian government officials in shaping Indonesia's stance in regional human rights issues) and the regional level (i.e. the possibility of ASEAN's institutional move to embrace new and wider CSOs and the opportunity for cross-engagement between CSOs and other actors in the region). This is crucial, especially in avoiding a reductionist view of CSOs' human rights advocacy as simply opposition to the state. It is important to note that the political space for Indonesian CSOs in ASEAN cannot be limited to 'formal' spaces (Nandyatama, Prabandari, and Umar 2014, 8). As there are various strategies adopted by Indonesian CSOs in advocating their norms, it is essential to also take the contexts surrounding CSOs' engagement with ASEAN into account, for example, how some CSOs actively engage with ASEAN and Indonesian government officials in informal discussions or workshops on regional issues.

In terms of its institutional governance, ASEAN has claimed to be working in the interests of the 'people' since its inception. Its foundational declaration stipulated that ASEAN is determined to ensure the stability and security of the region 'in accordance with the ideals and aspirations of their peoples' and to represent 'the collective will of the nations of South-East Asia to bind themselves together in friendship and cooperation and, through joint efforts and sacrifices, secure for their peoples and for posterity the blessings of peace, freedom and prosperity' (ASEAN 1967). However, apart from the apparent use of the rhetoric of the 'people' in its early statements and declarations, ASEAN and its member countries were reluctant to engage civil society in regional matters, signalling the elitist nature of ASEAN political space. Although ASEAN non-governmental bodies have existed since 1971 and ASEAN guidelines for relations with CSOs have been established since 1977, the Association was very selective in granting affiliation status (Anwar 1994, 242-3). Most of the accepted, accredited non-governmental organisations during the Cold War period were affiliated with business, such as professional associations, and only a small fraction of CSOs in the region,

such as the Committee for ASEAN Youth Cooperation, were listed (ASEAN's Register of Accredited Civil Society Organisations 2016; see also Gerard 2014b). This marginalised a wider range of CSOs in the region, leaving them outside the field of ASEAN during the Cold War era.

Nevertheless, despite such limited space, then existing affiliated CSOs could have 'visits to other ASEAN countries, meetings with ASEAN counterparts, and conferences involving nationals from ASEAN states', allowing them some sort of participatory function (Anwar 1994, 246). As Indonesian and ASEAN elites sometimes invited non-state actors and interacted with them, some CSOs learned the norms and mechanisms dominating the field of ASEAN, gradually provided input to the Association. Informal discussion between CSOs and ASEAN member countries' elites signalled the opportunity to support ASEAN in connecting with new ideas and wider relevant actors (Wanandi 2012).

From the late 1980s and early 1990s, there were internal and external dynamics which pushed field of ASEAN to change somewhat, allowing more actors in the regional political space. As Western countries and international organisations like the European Union (EU), increasingly engaged with Southeast Asian politics, there was gradual external political pressure on ASEAN and its member states to adopt prevailing international norms like democracy and human rights. In fact, it 'was almost inevitable' that issues of international concern for democracy and the need to be accountable to civil society would be raised in talks between ASEAN and its dialogue partners, such as the EU, the US, Australia, Canada, and New Zealand (*The Jakarta Post* 1994a). Furthermore, the Asian financial crisis marked the urgency for a far-reaching transformation in maintaining ASEAN's 'relevance' against rising doubt over its ability in 'continuing its efficacy and cohesion' (Alatas 2001, 1; see also Ahmad and Ghosal 1999, 767). ASEAN's limited capacity in exerting leadership during thus met with much scepticism. The impact of the Asian financial crisis was also accompanied by the ever-

growing problem of human rights abuse in Myanmar. These contexts propelled ASEAN officials, particularly from Indonesia, Malaysia, Thailand and the Philippines, to ‘elevate both ASEAN’s international standing and its significance to its own members’ during the 2000s (Poole 2015b, 358). This eventually led to the growing rhetoric of embracing the ‘people’ of ASEAN and widening opportunities for engagement and consultation with CSOs, opening up the political space for broader CSOs in the region (see Gerard 2016).

Specifically, the significant opportunity in the development of political space for CSOs in the region occurred as the Association progressed with the idea of ASEAN Vision 2020. Declared in 1997, the vision emphasised how ASEAN should be ‘governed with the consent and greater participation of the people with its focus on the welfare and dignity of the human person and the good of the community’ (ASEAN 1997). This idea eventually transformed into a much bolder vision of a regional community building project through the Bali Concord II in 2003, signalling a new commitment to deal with broader issues that mattered at the grassroots level. Through this reform process, which also led to the formalisation of a ‘people-oriented paradigm’ in the ASEAN Charter in 2007, numerous derivative bodies under the umbrella of ASEAN were created and expected to receive wider input from CSOs, such as within the ASEAN Intergovernmental Commission on Human Rights (AICHR). In fact, since the Vientiane Action Programme (VAP) in 2004, myriad ASEAN sectoral bodies were expected to ‘closely involve other ASEAN stakeholders, including the private sector and civil society,’ particularly in pushing the institutional development of ASEAN to allow wider opportunity for CSOs. These progresses signalled a significant transformation within the field of ASEAN, sending a message that ASEAN would be more open towards non-state actors.

Similar progress also occurred at the Indonesian domestic level, allowing more CSOs to actively advocate their norms and ideas during the 1990s and after the fall of Suharto era. In order to best grasp the dynamics of Indonesian CSOs, we need to assess and compare the

political space before and after the *Reformasi* era. The government maintained a limited political space for CSOs during the Suharto era. Although allowing for the existence of non-governmental bodies, the government heavily restricted the form CSOs' activities could take by reaffirming strict control over socio-political activities and limiting potential critics. The controversial Law No. 8/1985, for instance, clearly states that 'all mass organisations are required to subscribe to the state ideology'; and as a control mechanism, the government had the right to 'freeze any mass organisation if it disturbed public order, or received aid from foreign parties without government approval' (Vatikiotis 1994, 103-4). This stringent Law aimed to curb oppositional voices and only allow pro-government voices, ignoring various social organisations and indeed forcing them into a seemingly apolitical entity within society (see Hadiwinata 2003; Lubis 1993).

Suharto's authoritarian practices created a strong normative basis for local CSOs to confront the government to respond to citizens' concerns and to create a network of advocacy at both domestic and international levels. Nevertheless, at the same time, this did not swiftly create a robust political space for CSOs. Suharto's longstanding oppressive regime strongly deprived any enabling environment for CSOs, forcing them to be a fragmented and weak political force in Indonesia (see Nyman 2009). Indeed, as collective action in advocating citizens' voice was becoming more organised, these actions formed an ever-bigger internal source of pressure from outside the formal political structures of the state (see Tarrow 1998). After the fall of Suharto, the subsequent *Reformasi* era demonstrated a shifting approach in responding to CSOs. As the government adopted a more open political system, it often required 'political support' from citizens in boosting its legitimacy in policy making, thereby allowing 'domestic actors to influence government policies and decisions' (Gindarsah 2012, 418). Law no. 14/2008, for instance, stipulates that the Indonesian government is compelled to secure citizens' rights to access information about the government's public policy planning and

decision-making process, and to encourage participation in public policy deliberation. Despite there is no ultimate guarantee of open attitude from the government in everyday practices, this signalled for a much wider political space for Indonesian CSOs to demand interaction with the government in discussing and contributing to policy, including on ASEAN-related matters.

Both ASEAN's and Indonesian's shifts to engage CSOs paralleled the trend seen in many, if not most, international institutions. The widening political space for civil society, for instance, can be traced back to rising non-state actors' activism affiliated with the United Nations (UN) forums, which has sparked a proliferation of networking for international CSOs' advocacy followed by rapid democratic transition (and robust civil society movements) in some developing countries since the late 1970s (Huntington 1991; Kaldor 2008; Krut 1997; Uhlin 1997). While being heavily regulated during the Cold War and early post-Cold War era, pressure from international organisations and democratic transition eventually created opportunities for ASEAN political space transformation and incited greater interest from Indonesian CSOs to engage with regional issues after 2003.

Above all, it is important to sense the field through mapping the relevant actors within the existing political space and the dominant characterisation of them in such space (see Bourdieu 1989). Hence, instead of simply indicating the existence of political actors in the space, we need to also investigate their normative positionalities in the space. Within the context of ASEAN, restricted political space during the Cold War period did not limit normative interactions between CSOs and ASEAN. Despite the absence of an open invitation for wider CSOs' engagement with ASEAN, some CSOs sensed the opportunity to engage and enthusiastically worked towards creating meaningful interactions with member states. One example is how CSIS, via ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS) as its regional network, lobbied for formal affiliation and interaction with ASEAN in 1991 and, despite its small size, successfully pushed for access to engage with member states'

officials and promoted the institutional development of ASEAN (Soesastro, Joewono, and Hernandez 2006a, 8; Stone 2011). Relatedly, the wider opportunity for CSOs' engagement did not always translate to better normative interactions between CSOs and ASEAN. Despite the increasing rhetoric of building a people-centred and people-oriented regional institution, Indonesian CSOs had to face the complex and overly structured participatory mechanisms in ASEAN, resulting in the persisting access hurdles for various different CSOs and the lingering animosity among some CSOs in amicably engaging with the Association (Gerard 2015; see also detailed elaboration in Chapter VI).

Along with the regional reform during the post-Cold War era and especially after the Asian financial crisis, there were more opportunities to engage with ASEAN. However, not all political actors have the same quality of interactions and presence within the space. Further exploration of each Indonesian CSO's political position and narrative on regional issues is essential to illustrate ASEAN political space and the degree of complexity for different CSOs to engage with it.

Identifying Indonesian CSOs' involvement in ASEAN political space

Indonesia has a long history of robust civil society activism, including during the Suharto era. However, Indonesian civil society activism during the Suharto era primarily focused on domestic rather than international and regional issues, such as fostering the democratisation process and assisting local communities on development issues (Eldridge 1995, 2005; Hadiwinata 2003). Moreover, as discussed in Chapter III, Southeast Asian governments, including Indonesia, were known to have an uneasy engagement with human rights issues in international fora (Kingsbury and Avonius 2008; Kraft 2001). These two contexts created a situation whereby the Indonesian government was less focused on regional human rights. The

Indonesian government was reluctant to solicit the views of its citizens over human rights issues, let alone push these issues at the ASEAN level (Lubis 1993).

During the Suharto era, only a small number of CSOs, particularly elite activists and think-tanks, were focusing on engaging with ASEAN. When the *Reformasi* era began and Indonesian officials pushed for a more established regional mechanism through promoting the ASEAN Community in 2003, wider Indonesian CSOs' enthusiasm for regional engagement was apparent. The development of Indonesian CSOs' engagement in regional human rights issues occurred in two major phases, namely pre and post 2003. The former phase was dominated by CSIS and a small number of activists, and the latter phase was dominated by a greater number of activists and organisations.

Indonesian CSOs influencing ASEAN issues pre-2003: the 'boys club'

Since the establishment of ASEAN's guidelines for CSOs' affiliation in 1977, few were exposed or attracted to the idea of influencing ASEAN politics. Indonesian CSOs were also traditionally grouped into two broad camps: think-tanks, such as CSIS, and academics affiliated with CSOs who tended to *assist* and *support* the government, and other CSOs (usually in the form of non-government organisations and activists) which tended to *criticise* the government and called for international pressure to push for democratic and human rights progress in Indonesia. Here, we can see only a small number of CSOs focused on engaging with ASEAN prior to 2003 and most of them demonstrated a supportive approach to the Indonesian government and ASEAN.

The issue of human rights was rarely openly discussed during the Suharto era, as the term 'human rights' was often perceived as 'in conflict' with the line of thinking that dominated government circles (Lubis 1993, 8-9; see also Smith 2001, 107-9). Since 1967, the Suharto regime imposed a new way of narrowly defining *Pancasila* doctrine and the 1945 Constitution

as sacrosanct principles and paramount legal references in Indonesia. Despite the creation of *Pancasila* and the 1945 Constitution were affiliated with Sukarno, such new interpretation symbolised the core construct of New Order regime, namely the rectification of the previous regime from the inability to implement *Pancasila* and from the chaos that Indonesia experienced during the years of liberal democracy in the 1950s. Throughout the New Order period, the term ‘human rights’ was often understood as merely emphasising individual rights over community interest, leading to liberalism—considered as a betrayal of *Pancasila* doctrine and the 1945 Constitution (Lubis 1993, 8; Stubbs 2001, 48).

However, it would be misleading to conclude that there was no activism on human rights during the Suharto era. The emergence of early human rights-focused CSOs was closely related to the trend of capitalist development in the region, which incentivised the state to create a market-friendly environment and ignore grassroots concerns (Jayasuriya and Rodan 2007b). A small number of CSOs had encouraged people to be aware of their rights and push the government to observe human rights principles, particularly in assisting the rising number of victims of government-led land expropriation, victims of labour exploitation, and people detained without warrants during the Suharto era (Mahasin 1996, 11; see also Jones 1990). One prominent case is the Kedung Ombo’s dam project, which forcibly evicted the local people around the proposed area during 1980s (Jones 1990, 61-63; Brown and Fox 1999). This case resulted in the so-called ‘Brussels incident’ in 1989, when a group of Indonesian CSOs sent a protest letter to the World Bank about human rights violations caused by the Kedung Ombo project, creating a bad impression for Indonesia and affecting Suharto’s government concern for its international image (Glasius 1999; Hadiwinata 2003, 98-99; Jones 1990, 64-65). These CSOs generally took the form of legal aid institutes, such as Lembaga Bantuan Hukum Indonesia [Legal Aid Institute of Indonesia] (LBH) which was established in 1970, as well as development-focused CSOs, such as the International NGO Forum on Indonesian

Development (INFID) which was established in 1985 and Lembaga Studi & Advokasi Masyarakat [Institute for Policy Research and Advocacy] (ELSAM) which was established in 1993.

The general motivation for the establishment of the abovementioned CSOs was to provide legal assistance to people who could not fight for their rights, especially poor and marginalised people. Thus, despite the great risks of being targeted as political dissidents, these CSOs were specifically characterised as being *critical* of the state (Nasution 1994). Nasution (1994, 177) famously states ‘as long as the LBH and groups like it exist, the people cannot be stripped entirely of an independent voice’. Meanwhile, these CSOs also tried to connect with the international community, particularly human rights-focused CSOs in Western countries. INFID is an example of a CSO with a wide international network, particularly in advocating ‘the effect of international development aids in Indonesia’ and creating greater pressure on the government to respect human rights (interview participant E12 2016 [translated]; see also Eldridge 1995, 2005). For example, in 1991 INFID conducted dialogue with UN agencies in New York, and with the World Bank and US congressional committees in Washington (Bunnell 1996, 200; see also Eldridge 1995, 2005).

Nevertheless, while *critical* CSOs during the Suharto era were committed to tackling domestic human rights issues, they focused on domestic rather than regional human rights issues, disregarding ASEAN as an important platform for advocacy. This was closely related to two contexts. First, given the belief that ASEAN was merely a project of Southeast Asian elites ‘for serving and maintaining their interests’, ASEAN was often regarded as remote in the eyes of the Indonesian general public (interview participant E15 2016; see also Jones 2010). This certainly reflected these CSOs’ critical perception of the ASEAN *doxa* that only maintained member states’ privileges and disregarded sensitive issues, such as human rights. Second, given the authoritarian regime during the New Order, opportunities for socialising new

norms and ideas to the government were scarce. This is evident in ASEAN elites' limited interactions with non-state actors, especially prior to the Asian financial crisis (Gerard 2014b). Accordingly, critical CSOs favoured expanding their international networks particularly via UN forums during the Suharto and early *Reformasi* era, believing this was the 'conduit through which CSOs could pressurise their own governments into changing policy' (Collins 2008, 316-7; see also Keck and Sikkink 1998). Through the United Nations Economic and Social Council (ECOSOC) resolution 1996/31, for instance, CSOs have specific roles within the ECOSOC Committee on non-government organisations (NGOs) and responsibilities to support the wider consultative relationship between the UN and CSOs across the globe. One of these essential privileges for CSOs is access to the Universal Periodic Review, a mechanism of the UN Human Rights Council (UN-HRC) to review human rights performance of UN member states. The UN-HRC requirement that each country be reviewed is based on three aspects, namely a report prepared by the respective state, a report from the Office of the United Nations High Commissioner for Human Rights, and a report from stakeholders (including CSOs) (see Abebe 2009; OHCHR 2017). Given the opportunity to report in this UN mechanism, Indonesian CSO often chose to focus on this platform to call for international pressure and advocate human rights. It was only after the Indonesian government modified its policy towards ASEAN in 2003 that critical CSOs started to see ASEAN as a viable platform for advocacy.

Nevertheless, despite the very limited political space, there are other CSOs which focused beyond domestic issues, especially on regional issues in ASEAN. These CSOs tended to embrace the dynamics of international politics and to provide support to the government, particularly in assisting Jakarta's policy formulation to ASEAN. Within this context, Indonesian CSOs could only build informal engagement with government officials, particularly the elite of the Suharto regime and within the MOFA. More importantly, to have a meaningful interaction on regional issues within such limited political space, CSOs often took

a more cooperative approach to engage with the government in the hope of getting better access to ASEAN. This resonated with how ASEAN was perceived during that time and how CSOs should engage. A well-known ASEAN observer (interview participant E05 2016 [translated except for italics]) states:

From the beginning, ASEAN has been a '*boys club*'. It has always been [the club for] '*men in suits*', as it has very *well-formulated* and strict [mechanisms]. During its early years, ASEAN was an organisation that only let small groups of people and government organisations be involved in it, primarily from the MOFA.

Nevertheless, despite the fact that ASEAN had limited political space for CSOs and an overarching structure as an exclusive group for Southeast Asian elite bureaucrats, some Indonesian CSOs began to gradually engage and socialise norms and ideas for tackling regional issues by closely interacting with and mimicking such elite groups, especially in terms of being aware of the expected behaviours within ASEAN. Hence, Indonesian CSOs that initially engage in ASEAN issues are generally characterised as being seemingly *supportive* in engaging with Indonesian officials and ASEAN, particularly with strong intellectual and professional networks across the region. One such Indonesian CSO, CSIS, was active in dealing with human rights issues at the ASEAN level. Created by a handful of Indonesian scholars like Jusuf Wanandi and the late Hadi Soesastro in 1971, its genesis was closely related to the dawn of the newly established Suharto regime. However, unlike other Indonesian CSOs in this thesis, CSIS did not initially focus on human rights issues. CSIS specifically aimed to fill the gap in the government's knowledge on foreign policy and to advocate on broader strategic and international issues where human rights can often be part of them. As Juwono Sudarsono (1988, 21) aptly observes:

CSIS was established primarily to advance interest in international affairs and strategic studies which had never had high priority among the higher echelons of government during Sukarno's guided democracy ..., making it the premier centre for international exchange with many important factions in other ASEAN governments.

In its early development, CSIS was closely linked to Ali Moertopo and Soedjono Hoemardani, personal assistants to President Suharto. Close relations with them gave CSIS accurate information on how Suharto's regime went about handling problems and dealing with various political actors (Wanandi 2012, 112-21). From this connection, CSIS gained information on regional politics and practical knowledge in shaping ASEAN through amicably communicating with member states' governments, especially the Indonesian government. Moreover, their experience in international affairs facilitated the Centre's initial ability to connect with Southeast Asian leaders and the international community (Soesastro 1991). Their networks were supplemented by other CSIS researchers' contacts with similar CSOs, academics and political leaders. Early CSIS scholars built a solid connection with prominent scholars on Southeast Asian studies (Soesastro 1991). Jusuf Wanandi, for instance, is well regarded as the 'doyen' of Southeast Asian security by wider community of ASEAN scholars (interview participant E03 2016). He is considered to be a 'policy entrepreneur' who was not only 'viewed as the gateway to the security and foreign policy elites of Indonesia but he [Wanandi] is also well connected in the USA, Japan, Australia, China and Europe' (Nesadurai and Stone 2000, 190). Through both the support of Suharto's close confidantes and its researchers' network, CSIS was inspired to become an advocate which could adapt to prevailing norms and practices within the Indonesian government and ASEAN, signalling its role as one of the '*supporters* of "second track" in [ASEAN]' (Wanandi 2012, 178-79, emphasis added).

CSIS' distinct character in ASEAN political space generated a controversy of its own. Outside observers often characterised CSIS as a 'true believer and advocate of Suharto or the military' and less concerned with representing the wider society and general grassroots concerns in Indonesia and the region (Wanandi 2011; see also Nesadurai 2012; Soesastro, Joewono, and Hernandez 2006a). Nevertheless, despite such criticisms, CSIS tried to

demonstrate its autonomy. Wanandi (2011) specifically articulates the moment when Suharto gave his permission to the creation of CSIS and ‘even asked the CSIS to become a presidential think-tank, [but the founders of CSIS] declined and told [Suharto that CSIS] would be more credible in the eyes of the international community to stay outside the government’. Suharto accepted this; and as Wanandi (2012, 110) recalls ‘[Suharto] never tried to censor what [CSIS] said’. Moreover, since the 1980s CSIS demonstrated its support for domestic voices and reforms, such as suggesting a succession plan beyond Suharto (Wanandi 2012, 230; see also Wanandi 2011). Although resulting in the termination of its direct access to Suharto, a senior researcher at CSIS (interview participant B01 2016 [translated]) argues that ‘CSIS was committed to develop the discourse of democratisation’ and wider non-traditional security issues in which human rights are central, demonstrating CSIS as an ‘Indonesian think-tank that cannot depart from its sociological roots as a part of Indonesian society’

Nevertheless, it is crucial to note that the Centre’s relations with other government officials ‘were not completely cut off and it [CSIS] still maintained cooperation’ (Wanandi 2011). While suggesting ‘democratisation, the respect for human rights, robust civil society and open media to *support* Indonesia and ASEAN’ (interview participant B01 2016 [translated, emphasis added]), CSIS also attempted to maintain close connections with important actors in the political space and maintain its relevance as a prominent strategic think-tank in the changing Indonesian political landscape. As such, CSIS positioned itself as a ‘useful’ actor in contributing to the Indonesian government. One of CSIS’ senior researchers (interview participant B01 2016 [translated, emphasis added]) indicates that ‘think-tanks are fundamentally more focused [than other types of CSOs] on providing policy recommendation [and adopting a] *softer tone*’. With the characteristics of an adept think-tank, CSIS signifies its nature as a supportive agent to the state as the prominent actor in ASEAN mechanisms.

Moreover, despite the limited political space at the regional level, CSIS positioned itself as one of the first CSOs to focus on ASEAN. In fact, CSIS pushed for the idea of creating wider political space for CSOs in the region. Since 1977, CSIS has been organising conferences and discussions about Southeast Asia and ASEAN, inviting scholars and government officials across the region (Wanandi 2006, 32). CSIS also hosted a meeting that discussed the idea of building a regional network of CSOs with a focus on ASEAN issues. The network eventually formalised as ASEAN-ISIS and based on having one key organisation in each member state (Soesastro, Joewono, and Hernandez 2006a). Through this network, CSIS gradually began to discuss human rights issues at the regional level post the Cold War. This issue will be elaborated in more detail in Chapter V.

Apart from CSIS, there were also some civil society activists and human rights lawyers supportively engaging with the Indonesian government and ASEAN, demonstrating a seemingly apolitical and intellectual approach. However, the number of these people was small, given active and vocal lawyers generally focused on working to mitigate human rights violation at the domestic rather than regional level. Marzuki Darusman is a prominent example. Although he was Attorney General during Abdurrahman Wahid's presidency (1999–2001), his advocacy on regional human rights within ASEAN political space started long before his political position in the government. Since the 1970s he had been involved in the Committee for ASEAN Youth Cooperation and in 1978, he was appointed its Secretary General. Moreover, when Indonesia created KOMNAS HAM [the National Commission on Human Rights] in 1993 after increasing international pressure over the New Order's human rights record, he was appointed as the Commission's first deputy, boosting his prominence in Indonesia and the region. Despite the status of KOMNAS HAM as one of the Indonesian government organ, Marzuki Darusman demonstrated an active effort in pushing human rights norms. Through his involvement in the Committee of ASEAN Youth Cooperation and

KOMNAS HAM, Darusman often travelled around Southeast Asia and met with similar supportive activists in the region. For a senior member of the Working Group on Human Rights Mechanism in ASEAN (interview participant F13 2016 [translated], '[through this process], some people in various ASEAN member states realised that there was a call to collaboratively advance human rights agenda in the region'.

Marzuki Darusman notably advocated the idea that human rights must be sought beyond the domestic level, claiming that cherishing and protecting 'a people's own way of life should not mean that a nation has to have an inherently different concept of human rights' with other countries (*The Jakarta Post* 1994b). As the idea of human rights was starting to be discussed in regional declarations, Marzuki Darusman attempted to not only engage with Indonesian bureaucrats in discussing Indonesian's stance on human rights at the regional level, but he engaged with other prominent legal figures in initiating a loose working group of Southeast Asian activists in promoting the idea of a regional human rights mechanism—the so-called Working Group for an ASEAN Human Rights Mechanism.

The Working Group for an ASEAN Human Rights Mechanism (or simply the Working Group) was formally established in 1995. It intended to be a regional CSO representing various Southeast Asian activists' demands that ASEAN should act on its promise at the 1993 AMM Joint Communique, particularly in considering the establishment of an appropriate regional mechanism on human rights (ASEAN 1993; Tan 2011, 167). Its founding members include Marzuki Darusman from Indonesia; Carlos Medina from the Philippines, the then Director of the Ateneo Human Rights Centre of the Ateneo de Manila University; Dato Param Cumaraswamy, a prominent lawyer from Malaysia; and Vitit Muntarbhorn, a law professor from Thailand. From its inception in 1995 the Working Group has been engaging ASEAN officials, particularly through requesting audiences in ASEAN meetings and socialising member states' diplomats through its series of workshops on human rights. One of the senior

members of the Working Group on Human Rights Mechanism in ASEAN (interview participant F13 2016 [translated]) recalls ‘...although at that time we did not have the AICHR, ASEAN has already had a blueprint which contained the clause of ASEAN’s commitment for sharing information about activities on human rights issues’; and this opportunity was well utilised by the Working Group to get to know ASEAN member countries’ officials and strengthen the Working Group’s position within ASEAN’s political space.

CSIS and Marzuki Darusman demonstrated a distinct position of the early regional issues-focused CSOs pre-2003 in the field of ASEAN. At this juncture, their opportunity to engage with ASEAN existed in informal connection with the Indonesian government bureaucrats and ASEAN officials. Moreover, instead of railing against Indonesian officials and ASEAN, these CSOs emphasised their support for the state and ASEAN, providing the Indonesian government and ASEAN with information about the incentive of adopting human rights norms in the region and ideas that suited elites’ internal strategic thinking. As such, these *supportive* CSOs could enhance their position within the limited ASEAN political space available for non-governmental bodies.

Indonesian CSOs in ASEAN issues post 2003: More complex actors

Although Indonesian CSOs that focused on ASEAN issues were initially dominated by supportive CSOs, others became attracted to the idea of regional mechanisms and the international community to solve the problem of a growing number of domestic human rights violations in Indonesia. This development was linked to two essential factors. On the one hand, there was a growing awareness about the similarity of human rights issues in the region, particularly more widely among CSOs in Indonesia. This propelled the eagerness to build an international advocacy network beyond the domestic level, including promoting regional

human rights concerns. On the other hand, several events also opened up the political space in Indonesia for CSOs' advocacy on regional issues.

Despite limited political space during the Suharto era, more Indonesian CSOs began to realise they could advocate beyond the domestic realm as a conduit for applying greater pressure and criticising the government. With increasing international interest in promoting local CSOs' advocacy and the internationalisation of East Timor in the late 1980s and early 1990s, some Indonesian CSOs gradually transformed their advocacy by engaging with the international community and 'developing more dynamic human rights advocacy at the regional level', such as the Asia-Pacific Coalition for East Timor (APCET) and the Asian Forum for Human Rights and Development (Forum-Asia) (interview participant E15 2016; see also Nasution 1994, 115; Uhlin 2003, 133; Ramcharan 2010, 203). Forum-Asia was created in 1991 as a network of CSOs in nineteen countries in Asia, bringing together activists and CSOs to tackle human rights issues, protecting human rights defenders in Asia, advocating for human rights at national and regional levels, and building the capacity of its members and partners. There are seven Indonesian CSOs affiliated with Forum-Asia, namely KontraS, Yayasan LBH Indonesia (YLBHI) [Indonesia Legal Aid Foundation], Perhimpunan Bantuan Hukum Indonesia (PBHI) [Indonesian Legal Aid and Human Rights Association], HRWG, Imparsial, the Aliansi Jurnalis Independen (AJI) [independent journalist alliance] and Yayasan Sekretariat Anak Merdeka Indonesia (SAMIN) [Secretariat for Independent Indonesian Children]. Most of them are critical human rights-focused CSOs. APCET was established as a network of CSOs and activists coordinating the various groups involved in solidarity with East Timor in the Asia-Pacific region, including regional lobbying and public campaigns. This network was borne out of the historic Asia-Pacific Conference on East Timor in 1994 (see Kraft 2002). Through these forums, critical Indonesian CSOs, which previously focused on engaging with 'traditional' human rights partners from Western countries, started to meet and share information with

Southeast Asian human rights activists. As the sentiment of solidarity was very much the central theme in these events, it eventually stimulated a regional awareness among human rights activists in the region and a foundation for collaborative critical advocacy at the ASEAN level (see *The Jakarta Post* 1994a).

Moreover, the political space for Indonesian CSOs' advocacy to ASEAN also changed along with two important events in Indonesia. The primary event was the fall of Suharto in 1998 and the dawn of the *Reformasi* era. The collapse of the Suharto regime after more than three decades of authoritarian rule paved the way for 'civil society activists to participate in establishing rights and mechanisms of accountability in a society where citizen involvement was previously discouraged' (Antlöv et. al. 2008, 4; see also Törnquist 2000). This was certainly not a smooth process, particularly denoting how Suharto deprived any possibilities for robust CSOs during his era. Nevertheless, after the fall of Suharto, new Indonesian CSOs, such as KontraS, Imparsial, and HRWG, emerged to clearly prioritise human rights issues. Realising the opportunity to openly hold the Indonesian government to account and reform, these CSOs were complimentary actors to existing CSOs, such as LBH or INFID, which had been advocating legal-related human rights, such as labour exploitation, and development-related issues, such as land expropriations.

Another crucial event occurred in 2003, especially as Indonesia was chairing ASEAN. In reforming its foreign policy after the fall of the Suharto's authoritarian regime, the Indonesian government seriously considered the means to project democratic values in the region. As a result, Jakarta proposed a new concept of creating security community at the ASEAN level, which signalled the urge for having institutional reform and more democratic progress in the region. Looking back on Jakarta's internal strategic thinking during that time, then Indonesia's foreign minister (interview participant A01 2016 [translated]), claims that Indonesia wanted to 'not only be the chair [of ASEAN], but also be a strong believer [in

reforming ASEAN]', particularly in boosting the Association's legitimacy after the Asian financial crisis in 1998. In doing so, the Indonesian government needed to solicit and gather ideas from non-state actors. This was closely aligned with how some CSOs, such as CSIS and the Working Group, had been engaging with the Indonesian government to support ASEAN and open up political space. Nevertheless, the need for successfully promoting ASEAN reform eventually pushed the Indonesian government to open up the political space for other CSOs (beyond traditional affiliated CSOs to ASEAN). One of the senior diplomats from the Indonesian MOFA (interview participant A03 2016 [translated, emphasis added]) states:

Indonesia wanted to be the most advanced country in discussing ASEAN [reform], I constantly communicated with civil society through a series of focused group discussions. So we invited all of them. ... We were open. We contacted not only track one-and-a-half, so we had CSIS, but also *other CSOs as well*. ... Hence, we were close to each other and moved as one.

The willingness of government to create more political space for Indonesian CSOs on ASEAN issues attracted a wide array of Indonesian CSOs. Although some were critical and initially sceptical towards ASEAN, they saw this as an unprecedented move by the Indonesian government to invite a wide range of CSOs and an opportunity for effective advocacy. Hence, there were several examples of critical Indonesian CSOs that gradually engaged with the Indonesian government and ASEAN on human rights issues from 2003 onwards.

KontraS, for instance, shifted its focus to seriously engage Indonesian officials and ASEAN officials along with the widening regional political space for CSOs. Created in 1998, KontraS focuses on human rights issues, especially on issues of forced disappearance and defending the victims of human rights abuse in Indonesia. Nevertheless, despite its active interaction with other human rights-focused CSOs within the Asian Federation against Involuntary Disappearances (AFAD) and its knowledge of how Latin American CSOs push for regional human rights mechanism, KontraS did not initially consider ASEAN as a platform to advocate its voice, regarding it as an elitist group of Southeast Asian leaders for maintaining

their power and authoritarian regimes. KontraS instead preferred to collaborate with other critical Indonesian CSOs, such as LBH, AJI, or Ikatan Keluarga Orang Hilang Indonesia [The Indonesian Association of Families of the Disappeared] (IKOHI), mounting pressure through public campaigns at the domestic level and collaborative campaigns at the international level, especially in UN-related forums. KontraS only seriously considered ASEAN as a target for advocacy after sensing the widening political space for CSOs due to Indonesia's apparent move to boost ASEAN reform post 2003. One of KontraS' former coordinators (interview participant C04 2016 [translated]) recalls that 'when initial discourses about ASEAN's plan for developing its regional mechanism and legal entity started to appear, we thought we needed to make sure that ASEAN would consider human rights principles in its mechanisms'.

KontraS positioned itself within ASEAN's political space as a critical actor in engaging with the Indonesian government and ASEAN, and a committed player in collaborating with other critical CSOs in the region. As such, KontraS supported the Solidarity for Asian People's Advocacy (SAPA)-Working Group on ASEAN and worked with other critical CSOs in the region, such as Forum-Asia and the Asian Partnership for the Development of Human Resources in Rural Asia (AsiaDHRRA), in the regional CSOs forum (i.e. the ASEAN Civil Society Conference/ASEAN People Forum (ASCS/APF)). Within such political space, KontraS focused on evaluating ASEAN's 'future agenda', discussing what CSOs 'should do with regard to such agenda', and pondering that 'we cannot let [ASEAN] have their own agenda and we should collaboratively apply new pressure [to ASEAN]' (interview participant C01 2016 [translated]). This stressed KontraS' position as a critic within ASEAN political space.

HRWG is another key Indonesian CSO that started advocating for regional human rights issues after the widening political space for CSOs in the region. HRWG was created in 2003 as a small task force of several critical Indonesian CSOs, such as KontraS, INFID and Imparsial, coordinating their advocacy at the international level (but not to ASEAN). This form

of taskforce was not new in Indonesia. A senior activist from KontraS (interview participant C04 2016 [translated]) illustrates that ‘before the establishment of HRWG, numerous CSOs gathered at LBH especially in its department that was dedicated to coordinating international advocacy called Publicity International Relations Department (PIRD). Being established in February 1999 as a grant project with support from the Robert F. Kennedy Memorial Centre for Human Rights (RFK Centre), PIRD was a small project in managing technical capacity building for staff and partners of LBH with a special focus on how to publicise human rights concerns, work with public officials, and conduct international advocacy (RFK Centre 2000). However, one of KontraS’ former coordinators (interview participant C04 2016 [translated]) further elaborates the spirit of the establishment of HRWG:

[We realise that] PIRD did not perform well due to insufficient resources in terms of the lack of [sustainable] budget and the lack of human capability in diplomacy and English proficiency So ahead of international meetings we created a small team for a workshop of focus group discussion to compile our existing shadow reports; but the result of these processes was often unsatisfactory. As a result, we thought we need to have a specific [and more stable] task force conducting what PIRD has done.

By continuing the role of PIRD, HRWG affirmed its mandate to boost, and even represent, the existing critical Indonesian CSOs’ voice in the international arena, especially in relation to the UN. This was deemed to be one of the prominent ways for critical Indonesian CSOs in publicly ‘naming and shaming’ the Indonesian government in international fora for its domestic human rights violations. For instance, after the internationalisation of the East Timor problem at UN forums in 1990s, Indonesia was under heavy scrutiny and pressure to stop human rights violations. This reinforced the approach critical Indonesian CSOs that gaining international attention was the effective political space for pushing human rights issues (Uhlen 2003, 138-43; see also Keck and Sikkink 1998).

HRWG expanded its human rights advocacy beyond UN forums and became an essential node of CSOs’ advocacy in regional issues along as the Indonesian moved to widen the political space for ASEAN issues. Sensing the Indonesian government’s intent to take a

lead in reforming ASEAN and promoting the democracy agenda in the region after 2003, HRWG decided to engage with the Association. It specifically positioned itself as an active actor in working with other Indonesian CSOs to mount pressure and provide critical input to push for universal human rights standards in ASEAN. One of HRWG's senior activists (interview participant D01 2016 [translated except for italics]) notes:

We know that Indonesia was the *leader* in political and security issues as well as promoting democracy, *good governance* and human rights. During the Indonesian preparation for negotiating the ASEAN charter, we tried to argue that it was impossible for ASEAN to be a respectable international institution without having democracy and human rights principles. It was our entry point in pushing human rights issues at the regional level.

Interestingly, while engaging with the Indonesian government and ASEAN, HRWG gradually transformed its position. Despite closely positioning itself with other critical Indonesian CSOs during its early existence, HRWG has progressively shifted to engaging the Indonesian government and ASEAN in more supportive ways since 2009. This was closely related to how HRWG's director—Rafendi Djamin—became Indonesia's representative for the ASEAN Intergovernmental Commission on Human Rights (AICHR) and acquired deeper knowledge of the ASEAN *doxa* and the complex process within ASEAN mechanisms on human rights issues. With better understanding of the field of ASEAN and its limited political space, HRWG reconsidered its position in the network of critical CSOs both in Indonesia and in the region. It then gradually repositioned itself by refining its capacity and demonstrating its capability as a supportive actor during its engagement with the Indonesian government and ASEAN. A prominent activist from HRWG (interview participant D01 2016 [translated]) specifically recalls:

We are a tandem partner of the government. This means we will carefully assist the government in advancing its regionalism project, particularly in expanding the critical mass in supporting human rights and democracy within the context of ASEAN CSOs. We should ask other ASEAN countries to give input and lessen the political gap between states and their CSOs as we are an extension of the mission of the state.

Ultimately, the increasing number of Indonesian CSOs' involvement and positioning in the ASEAN political space post 2003 provides a striking contrast. The first decade of the post-Cold War period was dominated by supportive Indonesian CSOs advocating for affiliated positions within the ASEAN political space and amicably socialising human rights norms to Indonesian officials. However, the second decade was dominated by more diverse actors ranging from supportive to critical Indonesian CSOs. This adds a more complex dynamism regarding Indonesian CSOs' attempts to push for the institutionalisation of human rights in ASEAN.

Reflections on Indonesian CSOs' positions in ASEAN political space

Indonesian CSOs have a complex history and context which in turn shape their capacity to advocate and position in ASEAN political space. Indeed, they face some internal challenges, such as as limited sources of funding, the lack of human resources, and organisational problems, that may affect their advocacy (see Ibrahim 2000, 2011; McCarthy and Kirana 2006; Rehbein 2011, 68; Wegner 1993). For example, the flexible nature of civil society membership creates an unstable capability to advocate, particularly as CSOs' member activists are generally set up on a voluntary basis (Chong 2011). Nevertheless, while these issues can enrich analysis of the ability of a certain Indonesian CSOs to advocate and socialise norms, this thesis proposes the need to explore how each CSO is cognisant of the confluence between its view of the field of ASEAN and its normative identity. This, in turn, reveals a much deeper basis for each Indonesia CSOs' attitude and positioning against its advocacy target. In other words, in illustrating the basis for Indonesian CSOs' various positions and patterns of engagement in pushing for human rights in ASEAN, one needs to consider how each CSO realises its identity formation.

Scholars have created different categories for grouping Indonesian CSOs' identity formation (see Eldridge 1995; Fakhri 1996; Hadiwinata 2003; Lubis 1993). Todung Mulya Lubis (1993) proposes a categorisation between cooperative and non-cooperative CSOs, based on their belief and attitude towards the Suharto government's various policies that restrained the growth and activities of civil society. Coming up with a different concept, Bob Hadiwinata (2003) suggests a categorisation of Indonesian CSOs into two types, namely *pembangunan* [development] and *gerakan* [movement]. For Hadiwinata (2003: 103), while development CSOs generally believe on the importance of creating 'a more equitable and participatory development' through the emphasis on supporting 'small-scale business and professional management in partnership with the government', movement CSOs commit to empowering the poor by forming 'grassroots constituency, [conducting] mobilisation, and popular resistance' against injustice. Despite using different notions, the abovementioned scholars signify the two main categories of Indonesian CSOs based on their identity and advocacy pattern. This also appears in some ASEAN scholars' analysis. One prominent ASEAN scholar (interview participant E03 2016), for instance, emphasises the two contrasting frames of CSOs in ASEAN issues, as follows:

I find the utility in the different types of civil society groups They are issues oriented because they have different [values] that they want to advance and promote If you look at CSOs with a Hegelian [frame] of civil society as very antagonistic [to ASEAN] and [focused on creating] alternative mechanism. But, you also have CSOs [which resemble] Robert Putnam's [frame of civil society] as a partner of the government because they are focusing on capacity building of the social capital.

Nevertheless, while the abovementioned scholars tend to categorise Indonesian CSOs into two distinct groups, I am of the view that this categorisation will be more accurate and helpful in explaining Indonesian CSOs' positions in the field of ASEAN when we see it as a spectrum. I refine Caballero-Anthony's categorisation, and I argue that while on the one hand CSIS and some activists can be regarded as emphasising the logic of CSOs as a provider of

ideas and supporting the development of social capital in the region, on the other hand, KontraS and some other CSOs can be seen as emphasising the logic of CSOs in defending grassroots organisations and critically voicing human rights concerns. HRWG lies somewhere in the middle of the spectrum, signalling a position that can be considered as being adaptive to the field of ASEAN and flexible for giving both support and criticism to ASEAN.

Supportive Indonesian CSOs

Whereas their historical existence began before the Indonesian independence, such as the existence of religious social organisations and ethnic-based organisations during the time of anti-colonial struggle, Indonesian CSOs were shaped by the Suharto regime (Corrothers and Suryatna 1996; Hikam 1999; Nyman 2006). During the Suharto era, the state implemented various policies that restrained the growth and activities of Indonesian CSOs. However, there were some Indonesian CSOs that existed and closely engaged with the state on ASEAN issues. These CSOs generally demonstrated their position as amicable entities in gathering and communicating ideas to the wider populace as well as diffusing new norms to decision makers (Uhlin 1993; Schmit 1996). According to Uhlin (1993, 529-30), some activists, such as Dawam Rahardjo who then led Ikatan Cendekiawan Muslim Indonesia [the Indonesian Association of Muslim Intellectuals]), argued that ‘economic democracy is a prerequisite for political democracy’ and at the same time ‘democratisation must be a peaceful process that includes both elite agreements and popular pressure’. This supportive position is clearly demonstrated by some CSOs, particularly in the form of think-tanks and prominent scholar or activists in Indonesia, in striving for better access to socialise norms to the Indonesian government.

The existence of similar Indonesian CSOs which gave support to the relevant authority was also apparent in ASEAN issues, especially with the example of CSIS. Being one of the most active Indonesian CSOs in advocating on ASEAN issues, CSIS underlined the ideal

positional identity of a supporter of the Indonesian government and ASEAN in both the Suharto and *Reformasi* era. As Jusuf Wanandi claims ‘we gave ideas, suggestions and responses to our [then existing] foreign policies and new foreign policies that we might need, citing development of foreign political situations’ (Adamrah 2011). In doing so, it primarily focused on positioning itself as an active provider of well-researched ideas on how the government should comprehend and react in the international arena (including in ASEAN). At the same time, it claimed not to be a government-led entity, as it believed that CSIS ‘could only be effective and trustworthy if it stayed outside of the government’ (Wanandi 2011). This niche of being an independent CSO and having scientific content in its supportive advocacy marked the specific characteristic of CSIS, cementing its prominent position among Indonesian CSOs in the eyes of the Indonesian government and other actors in ASEAN.

Rather than choosing a critical position, the logic of CSIS’ position as a supporter of the Indonesian government and ASEAN is viewed from a particular aspect. The longstanding knowledge of the dominating *doxa* in the field of ASEAN, particularly through the close connection of its researcher with elites, shaped how CSIS understood how ASEAN member states not only need ideas to push for regional institutionalisation but to respect sovereignty and non-interference, to the point of not discrediting other member states. Realising the potency of CSOs in such a context, CSIS would always carefully consider government opportunities and constraints, as well as being sensible in socialising well-researched norms and ideas government should adopt in tackling regional problems. For one of CSIS’ senior researchers (interview participant B01 2016 [translated]), being ultra-critical and employing a ‘naming and shaming strategy would only backfire’; and as a think-tank, CSIS would always seek other ways to express its position and communicate its concerns, especially in accordance with the need for maintaining the long tradition of constructive engagement with government officials, and credibility in providing policy suggestions that were well researched and networked among

similar supportive CSOs in the region (also Wanandi 2006). Further detailed example of CSIS' strategy and reaction to the debate on human rights within the field of ASEAN will be elaborated in Chapter V.

Embodying the format of a professional think-tank, CSIS did not see civil society and states are not locked in an adversarial relationship; instead, the activism of civil society further underpins the state's commitment to society (Edwards 2004, 8; Lee 2004, 7). During the *Reformasi* era this continued, particularly in order to maintain CSIS' relevance against the changing political landscape in both Indonesia and ASEAN. A senior researcher at CSIS (interview participant B02 2016 [translated except for italics]) clearly emphasises that 'CSIS's main *counterpart* is the Indonesian government and its main target is to give reliable policy recommendations to the government; this differentiates us and our *network* from other CSOs'.

Similarly, Marzuki Darusman believed that he, as a part of human rights-focused CSOs in Indonesia, needed to position himself as a partner of the Indonesian government to reach out to ASEAN. This is linked to how he perceived complexity within the field of ASEAN and the opportunity to engage its bureaucrats by taking a different approach from other critical Indonesian CSOs in promoting human rights norms. During the Suharto era, international pressure over Indonesia's human rights violations created a serious 'sense of agitation' within elite and bureaucratic circles (interview participant F13 2016 [translated]). While other human rights-focused Indonesian CSOs, such as LBH, INFID and ELSAM, joined the international community in criticising Indonesia's human rights abuses, one of the senior members of Working Group on Human Rights Mechanism in ASEAN (interview participant F13 2016 [translated]) specifically saw this as a 'confrontational position [against the authority] which was eventually regarded as not productive'. As a result, he associated his position with a commitment to engaging senior officials from related ministries, like the Ministry of Law and

Human Rights and the MOFA, and in building networks with other similar supportive activists in Southeast Asia.

Certainly, Marzuki Darusman's experience in several ASEAN-affiliated CSOs, such as the Committee for ASEAN Youth Cooperation, and as one of the commissioners of the Indonesian National Human Rights Commission, helped him to understand the dominant *doxa* at regional forums and this shaped his advocacy position. By the mid-1990s he had been meeting with some other human rights activists in ASEAN member states that felt 'there was a new call to *collaboratively* push human rights agenda in the region'; and through those meetings he noted the urgency in creating a more solid and coordinated network in cultivating and mainstreaming human rights principles in Southeast Asia (interview participant F13 2016 [translated, emphasis added]). Hence, although Marzuki Darusman often switched positions between CSO and government roles, for example, his position as co-chair of the High Level Task Force (HLTF) on the Drafting of the ASEAN Charter and as a member of parliament, he did not abandon his normative position, as part of a supportive civil society that actively engaged other actors to push for gradual reform in ASEAN (Rüland 2009, 381).

The examples of CSIS and Marzuki Darusman demonstrate how some Indonesian CSOs formed a supportive position based on their understanding of the nature of the field of ASEAN. These CSOs regarded their normative identity in a distinct way, particularly in emphasising the primacy of CSOs to be aware and play along with dominant *doxa* in the region by facilitating convenient discussion and providing new ideas on solving regional human rights problems. In creating networks with other CSOs and supportively engaging with government officials, CSIS and Marzuki Darusman could be understood as gradually socialising human rights norms and supporting the Indonesian government and ASEAN to recalibrate its regional norms.

Critical Indonesian CSOs

A different position is expressed by other CSOs. Rather than positioning themselves as supportive agents, some Indonesian CSOs tended to be *critical* of government, publicly pressuring the state to respect and comply with civil society's concerns in providing human rights protection. These CSOs emphasise the essence of their position within ASEAN political space as a staunch and committed political entity acting against the state as the perceived dominant and repressive power.

Critical Indonesian CSOs' identity formation can be linked with the socialist tradition, particularly in adapting a Gramscian analysis of civil society and rhetoric for grassroots advocacy (see Fakhri 1996; Nyman 2006). Signifying its root in and refinement of the Marxist and Hegelian tradition, Gramsci's most popular resonance in Indonesia is the argument that civil society is an arena of competition between different sets of social interests and disparities of power and resources; and this competition occurs due to the perceived coercive power of the state. This narrative, thus, compels 'organic intellectuals' within civil society to engage in counter-hegemonic struggle, especially through the empowerment of the marginalised to consolidate networks and articulate pressure against authority (see Ganie-Rochman and Achwan 2005, 211; see also Aspinall 2004).

As the Suharto era is closely associated with repressive regime towards civil society, Gramsci's rhetoric gained popularity in Indonesia. Both Indonesian scholars and critical CSOs often simplify Gramsci's analytical works and emphasise the narrative of how CSOs are expected to be at the forefront in representing the people's rights and maintaining critical relations against the states' ideological domination. One example is the late Mansour Fakhri, who was both a scholar and well-respected CSO activist. Fakhri (1991, 11) argues that 'the main battle is political and ideological, namely against the modernisation or developmentalism hegemony'. Adopting Gramsci's work, Fakhri tries to promote the idea that the core mission of

Indonesian CSOs is to act ‘as a counter-hegemonic institution’ and to ‘strengthen civil society by facilitating critical consciousness in the existing political space (see also Budiman 1998, 385, Hadiwinata 2003, 36; Nyman 2006, 3).

The Gramscian framework has gained some popularity in understanding Indonesian CSOs, especially as it offered the reference of how CSOs can position themselves to fight against the Suharto regime. KontraS, for instance, took a distinct normative position, echoing the need to represent the marginalised class. A critical voice against the authority was the only choice for defending people’s rights. This view is clearly illustrated by one of KontraS’ former coordinators (interview participant C01 2016 [translated]), as follows:

KontraS is established in 1998. It was initially created to respond the heated [human rights abuses and] situations at that time From that experience, protesting against the state has proven to be successful in weakening the Suharto regime and forcing him to step down. After the fall of Suharto, we saw more human rights victims coming to KontraS, requesting us to advocate their concerns as well. From that point, we started advocate wider human rights, including human rights violations in the *Reformasi* era.

The abovementioned position has evidently existed in ASEAN political space. Similar to its view of the Suharto regime, KontraS perceived ASEAN negatively. In fact, the idea of being persistently critical of the state is crystallised in KontraS’ normative identity and how it positions itself within the field of ASEAN. For one of KontraS’ senior activists (interview participant C01 2016 [translated]),

It is natural for us [to be critical]. KontraS was created in 1998. [Since then,] we have been becoming more solid as a human rights-focused CSO and getting the respect from our enemy [the state]. We have also been getting appreciation from other CSOs. [For example,] Forum-Asia invited us ... to [collaboratively] consolidate human rights discourse at both regional and national network. They believed that they needed to contact KontraS for building better connection with [critical] voices at the national level.

Although KontraS viewed the opportunity to advocate in ASEAN as a way of generating a response to the problem of ‘impunities at the national level [of each of the member states]’, it also knew that ASEAN was ‘elitist’ and ‘unresponsive with real problems in the field’ (interview participant C01 2016 [translated]). This echoes the general criticism of CSOs

and their assessment of ASEAN's practices of its *doxa*. In giving equal member states' sovereignty, maintaining consensus, incrementally solving their problems through pacific approaches, ASEAN member states often refrain from discussing sensitive issues and put pressure to all other non-state actors to emulate the same attitude. Hence, critical CSOs often held protests and declared that '[ASEAN is] not known for responding to real grassroots needs' and the Association 'lacks consultation and participation in its [policy] formulation' (Ramirez 2008, 2). For critical Indonesian CSOs, the only way to react to ASEAN's unresponsiveness to civil society and the dominance of its member states is to engage with those political entities and to launch counter-hegemonic projects, aggregating alternative voices to rally public pressure against them. A senior activist from KontraS (interview participant C03 2016 [translated except for italics]) illustrates,

We had enough negotiations [with the Indonesian government and ASEAN]. We decided to have *critical engagements*. We always engage the state and ASEAN but we will be critical of their policies. We have been cheated; we supported the state [and ASEAN] but the actors inside were pretty much the same. We could not change their characteristics [if we support them].

Whereas KontraS demonstrates a critical approach to the Indonesian government and ASEAN, HRWG demonstrates a more nuanced position. Although HRWG was established well after Suharto's authoritarian regime had ended, some of the founders had been actively engaged in advocating human rights issues long before it. One of HRWG's senior activists (interview participant D01 2016 [translated]), for instance, recalls that he was 'trained to be [a] human rights activist who organised demonstrations, shared pamphlets, and advocated policy' during his stay in the Netherlands from 1984 to 2003. During that time, he was trained to utilise international political space as the vehicle for sharing information, lobbying, and advocating Indonesian human rights problems. Thus, when he went back to Indonesia and was asked to lead HRWG as a task force for international advocacy, Rafendi Djamin's 'experience' was

expected to help connect Indonesian CSOs' human rights advocacy with an international audience (interview participant C04 2016).

During the early phase of HRWG's ASEAN advocacy (2006-2009), its organisational position was as the 'umbrella' platform for coordinating Indonesian critical CSOs' international advocacy (interview participant C04 2016). As such, there were two essential elements regarding HRWG's position in the ASEAN political space. First, HRWG was closely related with critical Indonesian CSOs which focused on representing human rights victims and criticised the government and ASEAN's human rights record. Second, despite its relations with several critical Indonesian CSOs and commitment to critical normative position, HRWG also made its own internal assessment of the field of ASEAN, including the dominant norms and diplomatic practices in the region. These two contexts created a distinct character where HRWG was still committed to being critical of the Indonesian government and ASEAN; yet, at the same time, HRWG became less predetermined with only emphasising critical position to the Indonesian government and ASEAN.

A much clearer position has been demonstrated by HRWG since 2009, particularly as it had more access to and understanding of ASEAN's dominant *doxa*, and thus played a bigger role in regional mechanisms. As one of HRWG's senior activists (interview participant D04 2016 [translated]) recalls 'the access was significant as [HRWG] could get updates of the actual dynamics and debates within the ASEAN' and HRWG decided to focus on positioning itself in the middle between being critical and supportive. Within this context, HRWG emphasised its identity in a more pragmatic sense, particularly in reconciling the core commitment to countering ASEAN's reluctance in providing better human rights protection in the region and the function of the CSO to successfully advocate its norms amidst the strong dominant *doxa* in the field of ASEAN. In other words, 'in order to advocate well, [HRWG] needed to build

mutual-trust between the state and civil society’, underlying the need for a tactical mindset for successful advocacy (interview participant D04 2016 [translated]).

HRWG undoubtedly signifies a different normative position from that of other critical Indonesian CSOs in the ASEAN political space. Although HRWG’s establishment was closely affiliated with critical Indonesian CSOs, it does not form a similar position with KontraS. In fact, HRWG is in a position at neither extreme of the spectrum between critical and supportive positions regarding ASEAN, signalling a possibility of being adaptive to the field of ASEAN. This case also exposes the usefulness of taking normative position of supportive and critical as an indicative spectrum rather than exclusive categories and provides a clearer account of different Indonesian CSOs’ normative identity positions in the field of ASEAN and in pushing for the institutionalisation of human rights in the region.

Conclusion

This chapter has explored the origins and developments of Indonesian CSOs’ advocacy in regional human rights issues, particularly in defining their position in the field of ASEAN. In doing so, it highlights the dynamics of Indonesian CSOs’ engagement in ASEAN issues, particularly in characterising the striking pattern of their involvement before and after 2003 as well as the polarisation of logic in relation to their position in advocating regional human rights issues.

Whilst supportive Indonesian CSOs, such as think-tanks, have a longstanding engagement with ASEAN and role in providing Indonesian government officials with ideas about promoting human rights norms in the region, the trend of Indonesian CSOs’ engagement in ASEAN changed dramatically with both ASEAN’s and Indonesia’s move to open up more political space. After the Indonesian government invited wider CSO involvement in 2003, a more complex dynamism was created, particularly with the involvement of critical CSOs in

actively utilising the political space for pressuring the Indonesian government and ASEAN to adopt international human rights norms.

Furthermore, Chapter V expands on the foundation laid in this chapter, especially in elaborating detailed different Indonesian CSOs' actions in advocating human rights issues in ASEAN. This thesis suggests that Indonesian CSOs view the field of ASEAN and formulate different schemes in pushing for the recalibration of the dominant *doxa* and socialising human rights norms in the region. This, in turn, creates some distinct political strategies for influencing the institutionalisation of human rights norms in the region, signifying the forms of three Indonesian CSOs' engagement patterns in the field of ASEAN—supportive, critical, and adaptive.

Chapter V:

Indonesian CSOs' political strategies for advocacy

This chapter analyses various Indonesian CSOs' approaches in engaging with other actors in the region and advocating human rights norms, illustrating the existence of distinct nuances in CSOs' endeavours to push the institutionalisation of human rights in ASEAN. In doing so, I focus on two issues: first, elaborating how CSOs define and strategise their efforts to socialise human rights norms to ASEAN; and second, contrasting CSOs' political strategy in the field of ASEAN. This exploration is essential given the dynamism of Indonesian foreign policy agenda on regional human rights issues and the dynamism of the development of human rights institutionalisation in ASEAN.

The previous chapter examined the existence of Indonesian CSOs in the ASEAN political space and how each different CSOs demonstrated salient identity formation in its position within the political space. It explored the diverse ways in which these CSOs define themselves, especially on reflection of their normative identity formation. This chapter expands on these foundations in order to give further detail on the strategies by which Indonesian CSOs engage with other actors in socialising human rights norms in the region. Particularly, the chapter investigates how Indonesian CSOs project their advocacy with regard to essential milestones in the progression of the institutionalisation of human rights norms in ASEAN, such as the ASEAN Charter of 2007 or the ASEAN Human Rights Declaration (AHRD) of 2012.

In this chapter, I elaborate three typologies of Indonesian CSOs' political strategy to influence the institutionalisation of human rights in ASEAN. First, a pattern of *supportive* engagement emphasises the logic of constructive engagement in the field of ASEAN, particularly in socialising human rights norms. This is demonstrated by CSIS in projecting itself as a trusted provider of new ideas and solutions for the Indonesian government and

ASEAN. Second, a pattern of *critical* engagement in pushing for radical change in the way ASEAN adopts human rights is demonstrated by KontraS. With its profoundly contentious normative identity position against the field of ASEAN, KontraS focused on protesting against ASEAN's weak progress and demanded the adoption of universal human rights standards. Third, a pattern of *adaptive* engagement, which demonstrates a transformation from critical to constructive engagement in adapting to the field of ASEAN, is shown by HRWG. Despite maintaining its position as a critical CSO, HRWG has demonstrated a gradual shift in its political strategy since 2009, especially in signalling a more supportive approach towards the Indonesian government and ASEAN in adopting human rights norms.

Pattern of supportive engagement

Not all Indonesian CSOs are sceptical of ASEAN. While prior to the financial crisis, most CSOs were less interested in ASEAN (see Collins 2008, 316), this thesis argues that it is important to carefully examine the development and dynamics of Indonesian CSOs' interests in regional politics, including CSOs' pioneering advocacy in ASEAN. Indonesian CSOs, such as CSIS, have been actively engaging with ASEAN since the Cold War, providing support to the Indonesian government and ASEAN. In fact, these CSOs' efforts in advocating human rights marked a distinct phase in the institutionalisation of human rights in ASEAN, particularly in introducing and familiarising human rights norms in the region. Through its various advocacy strategies, these supportive CSOs enabled both the reform of the Indonesian government's foreign policy and ASEAN's human rights agenda.

Centre for Strategic and International Studies (CSIS)

CSIS is a research-focused CSO in Jakarta, Indonesia, aiming to provide fresh ideas to the government on strategic and security issues (Wanandi 2011). Accordingly, CSIS has also been

actively engaging in ASEAN issues. In its approach, CSIS has demonstrated *supportive* engagement with its strategic partners, such as assisting Indonesia's foreign policy formulation. Wanandi (2011) emphasises this through his elaboration of CSIS' 'two-pronged approach': first, the importance of advocacy through 'giving advice and ideas to government officials and other stakeholders'; second, 'reaching out to regional and international communities to inform them about Indonesia and its policies or state of development, while giving feedback to the Indonesian government and public about development policies and the state of affairs of other important countries in Southeast Asia and beyond'.

As discussed in Chapter IV, CSIS has possessed a unique connection with ASEAN, having close access to elites in region, including knowledge of the Association's *doxa* and internal diplomatic practices. Although the issue of human rights is not its core focus, the notion of human rights has often become an integral part of CSIS' advocacy to the Association, signalling the sense of agency in its engagement in the field of ASEAN. As such, in practising its 'two-pronged approach' for supporting the Indonesian government's regional policy and ASEAN's institutional reform, CSIS has also attempted to socialise human rights norms which suit the dominant *doxa* in the region. Hence, CSIS can be understood as an active reformer while performing its normative position of being a supporter of the Indonesian government and ASEAN.

The first element of the CSIS' 'two-pronged approach' is providing policy suggestions, particularly to the Indonesian government and other related agencies. Wanandi (2011, emphasis added) specifically notes this in the Centre's organisational guidances, namely maintaining 'a certain edge and advantage in external affairs and foreign policy matters' and '[capitalising] on these assets *without ignoring the national and domestic developments* on which all foreign relations must be based'. In essence, CSIS attempts to utilise its expertise on foreign affairs to operate within the existing political environment in Indonesia and ASEAN as

well as to socialise certain norms, such as human rights, through its policy suggestions. However, this does not mean that it always concurs with the Indonesian government and ASEAN's policy. One example is how CSIS researcher, J. Soedjati Djiwandono, publicly urged that ASEAN 'should be braver' in tackling human rights issues, especially since many Southeast Asian people were 'quite dubious over the organisation's efforts in that field' (*The Jakarta Post* 1996). Nevertheless, the Centre's push to promote human rights is generally shaped by its supportive commitment to the Indonesian government and ASEAN through constructive measures.

During the Suharto era, CSIS positioned itself as a CSO that could generate robust and well-researched solutions for domestic and regional challenges. Interestingly, it relied on its researchers, who not only had high-quality knowledge and analytical skills, but the ability to utilise CSIS connections within Suharto's regime as seen in the previous chapter. In so doing, the Centre could obtain detailed information from and communicate with Suharto's elite circles. CSIS crafted an advocacy model to subtly socialise new norms into government officials' strategic thinking, aligning with the common practices of the ASEAN *doxa*. According to one of CSIS' senior researchers, although the idea of upholding universal human rights principles was not popular in most Southeast Asian states at that time, including Indonesia, CSIS could demonstrate its 'affinity to human rights norms' and suggest the importance of respecting these norms during its interaction with both the Indonesian government and other actors in ASEAN (interview participant B01 2016 [translated]).

One important example is when CSIS via Jusuf Wanandi convinced the Indonesian government to allow the International Committee of the Red Cross (ICRC) to visit political prisoners in Buru in the 1970s. He closely persuaded Admiral Soedomo, chief of The Operational Command for Restoration of Security and Order [Komando Operasi Pemulihan Keamanan dan Ketertiban (Kopkamtib)] to alter the Indonesian government's harsh policy

against political prisoners detained after the failed 1965 coup. As the head of an *ad hoc* agency which had power to seek out and detain those who were considered to be a threat to national security during the Suharto era, Admiral Sudomo was a prominent actor in securing a better treatment for and reducing human rights abuses against political prisoners during Suharto era. Wanandi (2012, 190-91) specifically recalls the process, as follows:

I was able to persuade Admiral Sudomo, then chief of Kopkamtib and gradually we got things moving. Because of growing international protest against the political prisoners, and the sheer cost of keeping so many detainees, it was relatively easy to convince Sudomo to release [some of the political prisoners]. As a first step we asked the ICRC to visit the prison ... I told [Sudomo and Benny Moerdani] the ICRC is the best institution you could hope for, if you have to address our problem of human rights abuses. They are very objective. They are not interested in propaganda; they would just like to work on these humanitarian problems.

During the process, Wanandi took the initiative to visit ICRC's headquarters in Geneva in 1977 and met with its deputy president, Jean-Pierre Hocke, in Washington DC, to discuss the ICRC's framework for investigation. After the meeting, he conveyed the ICRC's intention to visit political prisoners to Suharto's elite circles and persuaded them to accept it, on the grounds that this strategy could reduce international pressure. He eventually convinced Sudomo that the ICRC is 'not going to make propaganda against [the Indonesian government]; and whatever they will hear and say is only under [Sudomo's] purview and the purview of [the] ICRC', brokering the agreement between the ICRC and the government (Wanandi 2012, 191-92). As a result, the ICRC was allowed to visit the prison in 1978 and to submit an investigation report to the Indonesian government in 1979, which led the Suharto regime to release more political prisoners between 1979 and 1980. Clearly, despite the absence of the formal use of the term 'human rights', this case demonstrates how CSIS was able to suggest the need to respect human rights by proposing an appropriate narrative for the Indonesian government. It also shows how CSIS emphasised the benefits that the government could receive in familiarising the idea of human rights into the strategic lexicon of its elite circles.

In terms of ASEAN, CSIS has also been actively engaging with elite members in the Indonesian government, especially in supporting Indonesia's strategic policy in the region. From this engagement, we can see that CSIS gained two crucial pieces of knowledge, namely awareness of the preponderant ASEAN *doxa* and comprehension of the best advocacy strategy for supporting the Indonesian government as it engaged with ASEAN. This is exemplified by the experience of CSIS researcher, Jusuf Wanandi, in assisting Indonesia's preparations for the first ASEAN Summit of 1976. At that time, Wanandi (2012, 136-37) learned that the Philippines and Singapore 'wanted to make a big splash about the summit with big results and decisions, including ASEAN Concord—all designed to present a big vision for the Association'; but Suharto 'expressed displeasure with the efforts and ideas of the two heads of government for the summit'. Against this backdrop, Wanandi was assigned to secure the Philippines and Singapore's willingness to compromise on the content of the ASEAN Concord, accommodating Indonesia's reservations about market-sharing economic cooperation. As a result, 'it was agreed that all decisions should be based on consensus' (Wanandi 2012, 137). The summit demonstrated the dominant *doxa* in ASEAN, particularly the importance of respecting each member state's position, reaching consensus, and peaceful problem solving. More importantly, the summit distinctively shaped CSIS' approach to ASEAN. As it understood the preponderant position of member states in ASEAN, CSIS always closely engages with elites who are enthusiastic about ASEAN reform, supporting them in responding to contemporary challenges in the region. Thus, unlike other ASEAN-focused Indonesian CSOs in the region, CSIS projected itself as a trusted supporter with a strong intellectual and networking prowess. One of CSIS' senior researchers (interview participant B02 2016 [translated, emphasis added]) clearly illustrates that 'instead of giving [demeaning] public pressure like other CSOs, we often use other ways that *support* the government in power at that time'.

Indeed, finding allies within foreign policy elites in Indonesia, maintaining close connection with them, and providing appealing proposals were essential for CSIS in supporting the institutionalisation of human rights after the Suharto era. CSIS' contribution in developing the idea of the ASEAN Political and Security Community illustrates this effectively. As preparation for chairing ASEAN in 2003, the Indonesian government tried to engage with CSOs, searching for ideas to boost its leadership in ASEAN with a view to reform. Umar Hadi, the director of public diplomacy in the Indonesian Ministry of Foreign Affairs (MOFA), illustrated the general mood of Indonesian elites at the ministry at that time by stating, 'we need to reflect on whether [existing ASEAN mechanisms] are still valid or workable' in the face of ever-growing complexity of contemporary regional problems (quoted in Roberts 2012a, 118). Within this spirit, materialising human rights protection in the region became an integral part of Indonesia's contribution to advancing ASEAN regionalism.

In gathering new ideas for ASEAN reform, the Indonesian government sought advice from trusted CSOs; and this opportunity was well utilised by CSIS. One of CSIS's senior researchers (interview participant B01 2016 [translated except for italics]) recalls,

during that time [the Indonesian MOFA] was *looking for fresh ideas*; Marty [Natalegawa, the then director general of ASEAN cooperation at the Indonesian MOFA] came to CSIS several times, [informing us] that next year Indonesia would be the Chair [of ASEAN] and wondering what [CSIS] can offer.

Specifically, CSIS' proposal suggested that Indonesia needed to 'reclaim its strategic centrality' by proposing a community building project in ASEAN (Sukma 2003). According to one of CSIS' senior researchers, around that time, 'CSIS has collected some of its and ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS)' research on *human security*; in the hand of [then CSIS' director] Rizal Sukma [those materials] could be remodelled into the idea of ASEAN Political-Security Community' (interview participant B01 2016 [translated, emphasis added]). As part of this proposal CSIS provided several ideas on improving the disparity in the quality of democracy and political openness among ASEAN

member states, a hurdle to overcome in strengthening human rights protection in the region (see also Sukma 2003, 2009).

Interestingly, within its proposal to Indonesia, CSIS utilised ‘vague and thus less controversial’ concepts, such as human security and political development, to socialise human rights norms in a persuasive way for ASEAN member states (Sukma 2009, 137). The notion of ‘political development’, for instance, reflects the focus to improve the quality of democratic practices in Southeast Asia, but with more room for interpretation and contextualisation for each ASEAN member state, signalling a careful approach to gaining consensus (Sukma 2009; see also Acharya 2011). Similarly, the concept of ‘human security’ and ‘comprehensive security’ became the crucial intermediary lexicons and appealing ideas that linked ASEAN member states’ traditional concerns in regard to security with the need for respecting human rights (Sukma 2009; Caballero-Anthony 2012). Sukma (2003) eloquently argues,

The governments of ASEAN countries should ... be (1) more open to greater and cooperative involvement of other member states—through an agreed mechanism—in trans-boundaries issues (internal issues with clear regional implications) and issues with identifiable humanitarian dimension (such as gross violations of human rights and in the event of humanitarian crisis); (2) more open to friendly advice offered by fellow member state, provided such advice is regulated and channelled through appropriate mechanism; and (3) less reactive to voices of civil society of other member states.

This signals CSIS’ attempt to conform to the ASEAN *doxa*, particularly respecting member states’ predominant power as well as preferring a pacific approach and avoiding sensitive issues. In obtaining consensus over its proposal, CSIS proposed palatable ideas to ASEAN member states; (detailed analysis of the implications of this approach will be elaborated in Chapter VI.)

After consulting with CSIS, the Indonesian MOFA developed the idea into a ‘non-paper’ circulated to the ASEAN Senior Officials Meeting (ASEAN SOM) in Phnom Penh on June 2003. The ‘non-paper’ signalled the status of the proposal as a not-yet-official document with the purpose of stimulating responses from other member states (Sukma 2009, 138). The

proposal specifically suggests crucial components of what Indonesia framed as ‘political development’, namely the importance of ASEAN members states to ‘promote people’s participation ..., implement good governance, strengthen judicial institutions and legal reforms, and *promote human rights and obligations through the establishment of the [previously proposed] ASEAN Commission on Human Rights*’ as a means to enhance regional security and stability (Sukma 2009, 137-38, emphasis added; see also Collins 2013; Roberts 2010). Although the end result was that this proposal was watered down to reach consensus among all member states in the subsequent ASEAN SOM meetings, CSIS was effectively supporting the Indonesian government while promoting the institutionalisation of human rights in the region. For further comparison between CSIS’ proposal for an ASEAN Security Community and the final decision on the adoption of an ASEAN Security Community (Bali Concord II in 2003) see Appendix B.

The second element of the CSIS ‘two-pronged approach’ is the importance of reaching out to regional and international communities. This represents two crucial aspects in the Centre’s effort to engage with other political actors in the ASEAN political space. First, reaching out means building better networks with the wider intellectual community at regional and international levels. This amplifies the Centre’s capability to providing relevant policy considerations to the Indonesian government and ASEAN. CSIS has been effective in acting as a trusted ‘research broker’ between research-based CSOs on the one hand and regional decision-makers on the other hand (Nesadurai and Stone 2000, 192). Second, reaching out, especially to other CSOs, indicates the commitment of CSIS (and other ASEAN-ISIS members) to push for the creation of a regional community, especially within the expectation that ‘ASEAN should be a people’s process’ (ASEAN-ISIS 1991). More importantly, this signifies that CSIS could also be a ‘bridge’ between the Indonesian government and a wider array of CSOs (interview participant B02 2016 [translated]).

CSIS has attempted to reach out to ASEAN scholars and key elites both within and outside the region that share similar interests in strategic and international issues in Southeast Asia since its inception in 1971. Wanandi (2012, 135) notes that ‘after CSIS was established ..., I went around the region to introduce [CSIS] and myself to peer institutions in East Asia’, connecting with numerous intellectuals, similar CSOs, and key elites on strategic issues. To facilitate this outreach approach, CSIS hosted several conferences about Southeast Asia and ASEAN, inviting scholars and government officials across the region to attend since 1974 (Soesastro, Joewono, and Hernandez 2006a, 3). CSIS researchers thereby collected important contacts throughout the region and gathered more knowledge from various political actors on advancing the ASEAN regional institutionalisation process.

Realising the need to enhance scholarly exchange in ASEAN, CSIS started to invite other research-based organisations across the region to regular meetings in the 1980s. This CSIS-led endeavour resulted in the establishment of ASEAN-ISIS in 1984. Operationally, ASEAN-ISIS was initially a non-formal network of five prominent research-based organisations focusing on strategic and international issues from each of the ASEAN original members (Soesastro, Joewono, and Hernandez 2006a). This process was built upon personal relations between researchers affiliated with these research-based organisations rather than a complex and formal structure. Jusuf Wanandi from CSIS formed the core of the network with the participation of the late Nordin Sopiee from the Institute of Security and International Studies (ISIS) Malaysia, Kusuma Snitwongse from the Institute of Security and International Studies (ISIS) Thailand, Lau Teik Soon from the Singapore Institute of International Affairs (SIIA), and Carolina Hernandez from the Philippines based Institute for Strategic and Development Studies (ISDS) (Soesastro, Joewono, and Hernandez 2006a, 4; Aguilar 2008).

In 1988, ASEAN-ISIS transformed into a formal network, and requested formal association with ASEAN, which was finally granted in 1991. The recognition of ASEAN-ISIS

marked ‘the turning point’ of CSIS and ASEAN-ISIS’ interaction with ASEAN member states (Soesastro, Joewono, and Hernandez 2006a, 8). ASEAN-ISIS gained formal affiliation status from ASEAN and access to meet with the Association’s senior officials in 1991 in which the network proposed a memorandum titled ‘A Time for Initiative: Proposals for the Consideration of the Fourth [ASEAN] Summit’. The memorandum not only stated recommendations but also formed the basis for future engagement between ASEAN-ISIS and ASEAN. Nevertheless, at that time only three organisations could arguably be considered as independent CSOs, namely CSIS, ISIS Thailand and ISDS. ISIS Malaysia and SIIA in Singapore were established with direct funding and management assistance from their respective governments. However, this was beneficial for CSIS as government officials involved in some ASEAN-ISIS organisations were usually senior diplomats. They knew how to deliver ideas to their respective governments and to ‘scrutinise the ideas’ from CSIS according to the ASEAN *doxa* commonly held by member states’ officials (interview participant B01 2016 [translated]). Through the ASEAN-ISIS network, CSIS could advance ideas and policy suggestions not only to the Indonesian government but other ASEAN member states, especially via ASEAN-ISIS’ formal relationship with ASEAN and informal connections with member states’ government officials.

In terms of human rights, CSIS publicly engaged in human rights discourse in the region through the 1990s, especially its involvement in the ASEAN-ISIS’ workshop on regional human rights issues in 1992 and subsequent ASEAN-ISIS Colloquia on Human Rights (AICOHR). As a founding member of ASEAN-ISIS, CSIS contributed to the ASEAN-ISIS memorandum on the ‘Environment and Human Rights in International Relations: an Agenda for ASEAN’s Policy Approaches and Responses’ in July 1992 (Kraft 2006, 76-78; Wanandi 1992). This memorandum was the product of a workshop held prior to the scheduled World Conference on Human Rights in June 1993 and the precursor of the subsequent AICOHR series. Despite still affirming the need for recognising the uniqueness of human rights practices

in Southeast Asia, the ASEAN-ISIS' memorandum contained a progressive suggestion to examine the 'feasibility of devising ... a regional mechanism [for the protection of human rights in] the ASEAN' (ASEAN-ISIS 1992, 8; see also Wanandi 1992; Hernandez 1995; Kraft 2006).

For CSIS, the decision to advocate for progressive reform is undoubtedly linked with the normative opportunity for human rights to be introduced as a part of the solution to Indonesian and ASEAN challenges. The impact of the end of the Cold War period and some human rights abuses in the region, such as the Santa Cruz massacre in 1991, had led to international pressure on ASEAN member states, including Indonesia. Thus, CSIS and ASEAN-ISIS 'tried to adapt with the emerging human rights lexicon' at the global level as well as suggested the 'need to address' international pressure and the benefits of adopting human rights norms on ASEAN (interview participant B01 2016 [translated]). Wanandi specifically put this position through a strong yet eloquent narrative, as follows:

International efforts which involve all countries in pursuing human rights are important. ... No country has a perfect record on this score and it is in the interest of all countries to implement human rights for their own interests. Therefore, this effort should not be seen as a crusade of the Western advanced countries, especially of those that have a colonial record. The efforts by ASEAN and the Non-aligned Movement, which represent 108 nations, in this area will be important for the development of greater understanding and improvement of human rights globally (Wanandi 1992, 11).

Nevertheless, despite the fact that Southeast Asian member states 'did not pursue' its recommendation for creating a regional human rights mechanism, CSIS and ASEAN-ISIS continued to advocate for a human rights-related policy proposal to the Association (Kraft 2006, 78). Not long after this proposal for a regional human rights mechanism, CSIS put forward the idea of creating 'regional peacekeeping' within AICOHR discussions and informal conversations with member states' government officials, emphasising the benefits of having new measures to protect 'the safety and well-being of the ASEAN peoples' against possible future threats that could 'undermine the authority of governments' and responding to the UN's invitation for the region to 'reinvigorate its peace-maintenance capabilities' (Wanandi and

Mochtan 1994, 5; see also Mochtan 1997). Unorthodox at the time it was first proposed, this idea gained more currency within ASEAN-ISIS circles and the Indonesian government after the *Reformasi* era, especially in enhancing ASEAN's capability for tackling domestic turbulence after the Asian financial crisis (Robert 2012a, 122; Vermonte 2004; Wanandi 2001, 38). Although it was claimed as a rather premature idea and eventually rejected by other ASEAN member states including Vietnam and Singapore (Asian Political News 2004; Capie 2016; Eaton 2004; Thayer 2014), this approach marked the affinity of CSIS with human rights norms and its commitment to link with regional networks to make it receptive to ASEAN member states.

Moreover, the involvement of CSIS in ASEAN-ISIS was crucial during the preparation of the ASEAN Charter. Only two networks of CSOs were explicitly recognised in the ASEAN Ministerial Meeting's formal statements during the preparation of the ASEAN Charter, namely the Working Group for an ASEAN Human Rights Mechanism and ASEAN-ISIS (discussed in more detail in Chapter IV). Albeit with varying degrees of emphasis, both networks actively supported the inclusion of human rights norms in ASEAN Charter. According to one of CSIS' senior researchers (interview participant B02 2016 [translated except for italics]), CSIS was actively involved in the initial preparation of the Charter, as it 'supported the government in formulating the framework for politics and security issues; [CSIS] also supported the government to ensure that the *promotion and protection of human rights* was included in the Charter as one of the new principles in ASEAN'.

At the level of practice, CSIS supported ASEAN-ISIS' effort in holding a series of 'brainstorming meetings' on the ASEAN Charter in Singapore in March 2006 and in Bali in April 2006; and out of sixteen participants, seven were from CSIS (Soesastro, Joewono, and Hernandez 2006b, 187). The meeting in Singapore aimed 'to discuss the concept paper prepared by Indonesia's CSIS on how the ASEAN Charter should look like and what it should

and should not entail' (Sukma 2006, 94); and the meeting in Bali 'invited [wider] CSOs to discuss and provide input to the ASEAN-ISIS draft memorandum on the ASEAN Charter, which in the view of ASEAN-ISIS should be open to new ideas and forward-looking' (Soesastro, Joewono, and Hernandez 2006a, 11). Hence, the ASEAN-ISIS memorandum stipulated the primacy of the principle of '[respecting] the dignity, human rights and well-being of all peoples' in the ASEAN Charter, even before mentioning the principle of '[respecting] sovereignty and independence of all states' (Soesastro, Joewono, and Hernandez 2006b, 181). This indicated CSIS' bold approach in utilising networks at the regional level as a conduit to socialise human rights norms and push for the codification of such norms in the ASEAN Charter.

While some scholars emphasise CSIS' activity (within ASEAN-ISIS) as one of the powerful agents in 'policy formation' in ASEAN (Caballero-Anthony 2005, 185; see also Capie 2010; Stone 2011), CSIS was also committed to implementing another advocacy approach by including non-research-based CSOs. CSIS was particularly instrumental in supporting the establishment of the ASEAN Peoples' Assembly (APA). For a prominent ASEAN scholar, Carolina Hernandez, the APA reflected the aspiration to create 'a window of opportunity to get the people's views heard beyond their usual circles' (quoted in Caballero-Anthony 2005, 245). This idea was initially brought about by the Thai Foreign Minister, Kasem Kasemsri, in 1995 to establish a 'congress of ASEAN peoples' that would be a body similar to inter-parliamentary unions of ASEAN (Caballero-Anthony 2004, 577; see also Morada 2007). Yet, as the idea was not widely accepted by all member states, ASEAN-ISIS came up with a different version, highlighting the need to have an informal 'assembly of the peoples of ASEAN' (Caballero-Anthony 2004, 557; see also Gerard 2013).

Since 2000, ASEAN-ISIS has been hosting a series of annual APA meetings, bringing CSOs together with some reform-minded senior government officials. Some key government

officials joined APA meetings in their private capacity, including the then Indonesian President, Abdurrahman Wahid and then Indonesian Minister of Foreign Affairs, Ali Alatas who both attended in 2000. For their part, some ASEAN leaders ‘have increasingly acknowledged the need to engage domestic and regional civil society’ as APA facilitates informal meetings between CSOs and government officials (Acharya 2003, 138; see also Caballero-Antony 2004). More importantly, human rights issues were discussed beyond CSIS and other ASEAN-ISIS members. APA reports from 2000 to 2007 showed that regional human rights issues were always discussed within various human rights-related sub-forums and were voiced by various human rights-focused CSOs in the region, including from Indonesia (see ASEAN-ISIS 2000, 2002, 2003, 2005, 2006, 2007; Caballero-Anthony 2007).

Moreover, since 2009 CSIS was also promoted to its position as trusted mediator between ASEAN and CSOs, particularly via organising routine informal dialogue on human rights issues. For this advocacy strategy, CSIS partnered with HRWG as the representative of non-research-based CSOs in hosting the event, signalling the inclusiveness of the dialogue in inviting a wider range of CSOs in the region. Despite the evolving nature of the format of this event, CSIS generally hosts three meetings. The Jakarta Human Rights Dialogue is an open forum between CSOs, scholars and senior officials from the Indonesian government and ASEAN. Second, the Informal Dialogue between the ASEAN Secretary General and some invited human rights-focused CSOs, which often discusses pressing human rights issues in the region. And finally, the Community Dialogue between the Committee of Permanent Representatives (CPR) of ASEAN and invited CSOs, which is often hosted by the Office of the Permanent Representative of the Republic of Indonesia to ASEAN (HRWG and CSIS 2012). According to a prominent researcher at CSIS (interview participant B02 2016 [translated]),

[CSIS] tried to provide a suitable platform for the two sides [i.e. ASEAN officials and CSOs] to meet, particularly as [CSIS knew that] if government officials receive the

invitation from a think-tank which has close relationship with them, they would be hesitant to reject it.

By facilitating a platform for other CSOs and ASEAN to meet, CSIS tried to bring CSOs closer to government and enhance the quality of its relationship with government officials, following its normative position in the field of ASEAN as a trusted ally of the Indonesian government and ASEAN. As one of CSIS' senior researchers (interview participant B02 2016 [translated except for italics]) illustrates,

We focus to give *policy recommendations* to the government based on our interactions with CSOs and our independent analysis of the existing human rights laws and mechanisms. ... We as a think tank and member of the Track II need to inform the government officials; but at the same time also need to interact with wider CSOs so we can get their input for our research [and policy suggestions to the government].

This clearly marked how the approach for reaching out to regional and international communities was crucial for CSIS. Its efforts in providing policy suggestions through either direct engagement or via dense networks of civic associations were aimed at gradually socialising human rights principles in the minds of ASEAN elites and incentivising them to adopt human rights (see Directorate General of ASEAN Cooperation 2002, 46). This represents the core logic of CSIS' strategy in supporting both the government and ASEAN and its position as a strategic actor in the field of ASEAN. CSIS successfully created and maintained its legitimacy as a supporter of ASEAN, particularly in not only being a respected intellectual broker for the Indonesian government and ASEAN, but a trusted facilitator in linking ASEAN with wider (and often) critical CSOs in the region.

Pattern of critical engagement

Emphasising a different approach from CSIS' supportive engagement, some other CSOs took a different path. These CSOs reflect a broader trend of new regional non-state actors who have different normative identities, networks and approaches to that of 'supportive' actors, adopting confrontational tactics that condemn ASEAN's emphasis on maintaining sovereignty while

neglecting ‘human rights abuses and anti-democratic practices’ in the region (Acharya 2003, 383; see also Lizée 2000). These CSOs tightly held onto the normative rhetoric of demanding a full and swift institutionalisation of universal human rights norms in the region, signalling their opposition to dominant *doxa* in the field of ASEAN.

As elaborated in Chapter IV, critical Indonesian CSOs were initially less interested in engaging with ASEAN, given the Association’s elitist and exclusive mechanisms. However, post the Asian financial crisis, some critical Indonesian CSOs saw a new opportunity in ASEAN’s novel commitment to widening its political space and gradually engaged with the Association. Essential for these CSOs is the need to advocate for human rights victims’ voice to ASEAN, especially as they ‘have become better organised’ against member states’ attitudes in ‘resisting or obscuring their operational requirements’ of respecting human rights (Eldridge 2002, 88). For example, materialising its normative position against the ASEAN *doxa*, KontraS has constantly criticised the member states and pushed ASEAN for radical normative change, especially in fully adopting and complying with universal human rights standards. The subsequent discussion examines KontraS’ approach in greater detail.

The Commission for the Disappeared and Victims of Violence (KontraS)

The establishment of KontraS in 1998 signified a clear trend in the burgeoning of Indonesian CSO activism, which emphasised solidarity with victims of the regime. Despite the initial aim of advocating for the rights of political activists who were victims of enforced disappearance during the Suharto era, KontraS was transformed into a fully fledged human rights-focused CSO. Through this experience, KontraS views the state’s treatment of its citizens sceptically, signifying its position as human rights ‘victim’s bulwark against tyranny’ (cf. Mutua 2011, 204). One of KontraS’ senior activists (interview participant C03 2016 [translated, emphasis added]) elaborates,

We need to understand well the concept of human rights. Though this view, we need to see the status of citizens as the rights holders and the state as the duty-bearer However, during the [Suharto's] authoritarian regime, the state itself was the abuser; [and now] it is getting more complicated if we consider actors beyond the state [which can] play a strategic role [in being] the *human rights violators*.

In defining KontraS' advocacy strategy, one of its former coordinators (interview participant C01 2016 [translated]) emphasises the notion of being a 'comprehensive' CSO, which not only focuses on a particular aspect of human rights advocacy, but deals with wider aspects of human rights advocacy like 'documenting, monitoring, conducting research [on human rights abuses], ... assisting the victims in non-litigation areas, consolidating with other CSOs, and raising public campaigns'. This demonstrated how KontraS signified its position as one of the prominent human rights-focused CSOs in Indonesia, particularly its role in and commitment to advocate grassroots' concerns against authority.

More specifically, KontraS' advocacy signifies a critical engagement with ASEAN. There are two major elements in this advocacy strategy: first, generating pressure through critical public campaigns and demonstrations; and second, consolidating demands and actions through transnational advocacy networks of similar critical CSOs at the regional level. These two elements are often concomitantly interlinked during KontraS' engagement with ASEAN and Indonesian government officials, generating public pressure and amplifying its voice for a dramatic reform within ASEAN mechanisms on human rights issues.

KontraS holds a deeply suspicious view of ASEAN, especially the dominant practice of its *doxa* that often ignores human rights issues in the region. Nevertheless, despite KontraS' animosity toward ASEAN, its approach changed in 2006. After initially having little interest in engaging ASEAN, KontraS saw opportunities in human rights advocacy along with the Indonesian government's eagerness to push for ASEAN reform, and the opportunity for CSOs' involvement. In this context, some prominent Indonesian government officials demonstrated a strong call for ASEAN reform. For instance, the role of the late Ali Alatas (Indonesian Foreign

Minister during 1988-1999) was influential as representative of the Republic of Indonesia within the Eminent Person Group on the ASEAN Charter (EPG). He was one of the ‘most proactive and vocal members’ in pushing for ASEAN reform, including proposing the initial reformist proposal for EPG report on the ASEAN Charter and engaging with wider CSOs (Dosch 2008a, 83; see also Hong 2007; Poole 2013). According to one of KontraS’ former coordinators (interview participant C01 2016 [translated]),

We heard from Ali Alatas about the ASEAN’s plan for having a charter ...; and were informed that the ASEAN Charter, which at that time was still in the form of a draft, would include the human rights agenda. We started to [engage and] seek more information. After the Charter was finally adopted [in 2007], there were more robust [civil society] movements in the region in making sure the concrete manifestation of the article 14 [of the ASEAN Charter] which mandated the creation of ASEAN Commission on Human Rights.

Specifically, KontraS pushes ASEAN to have a ‘functional human rights mechanism’ as well as for ‘every ASEAN country [to] accept universal human rights standards and [to] abandon the non-interference principle’ as ‘it often hinders human rights protection in the region’ (interview participant C04 2016 [translated]). However, shifting from virtually ignoring ASEAN to engaging with ASEAN did not change the critical characteristic of KontraS’ advocacy. One of KontraS’ senior activists (interview participant C03 2016 [translated except for italics]) emphasises that

ASEAN was established mostly by colonised countries, which have a strong anti-colonialism sentiment and [narrow] anti-interventionist attitude for preserving states’ privileges. As such, we need to keep carefully checking [ASEAN’s] actual practice, especially on how the principles of non-intervention and sovereignty affect [the new commitment of creating] a *people-centred* [ASEAN].

Hence, this underlines KontraS’ awareness of the pathology of the ASEAN *doxa* and its commitment to conveying its critical message to push for the Association’s reform on human rights issues.

Practically, KontraS’ critical public advocacy is manifested in two activities: first, requesting direct audiences with both ASEAN and its member states as the ‘duty-bearers’ for

human rights; second, building public awareness through open demonstrations and open letters to the media. These two actions are often not distinct but rather operate together, gathering and targeting criticism against the weak progress of ASEAN human rights institutionalisation. Direct engagement in pushing for regional human rights issues, for instance, has been directed toward engaging with senior diplomats at the Indonesian MOFA as the focal point in representing the state in ASEAN issues. One of KontraS' former coordinators (interview participant C04 2016 [translated]), for instance, elaborates:

We know that our renowned *image* is based on how we advocate through *public pressure*. Yet, we *de facto* always carry out both confrontational and oppositional pressure as well as closely engaging and cooperating [with ASEAN member states]. We know human rights is a sensitive matter and it needs room for dialogue either with the minister, or director general for multilateral or other director generals at the Indonesian MOFA.

As elaborated in Chapter IV, KontraS' increasing direct engagement with Indonesian diplomats, to a large extent, coincided with the government's new approach in widening the opportunity for CSOs' consultation. In 2001, the then Indonesian Minister of Foreign Affairs Hassan Wirajuda, started to host 'foreign policy breakfasts' as a vehicle for invited academics, media representatives, politicians, religious leaders and CSO representatives to discuss contemporary events, including ASEAN issues. Along with 'Pejambon coffees', series of informal meetings between foreign diplomats and representatives of the private sector at the ministry's historic building, 'foreign policy breakfasts' act as the conduit for the Indonesian foreign ministry to engage with wider actors within the political sphere. In doing so, the Indonesia MOFA demonstrates that 'its policy decisions are based on an evaluation of civil society's demands' (Alles 2015: 135).

With the participation of the minister and senior diplomats, foreign policy breakfasts 'enabled foreign policy makers to consult and monitor the position of different kinds of actors deemed to be the representative of Indonesian socio-political context and, more precisely, civil society actors' (Alles 2015, 135; see also, Nabbs-Keller 2013; Wirajuda 2014). Accordingly,

KontraS ‘always tries to join’ these breakfast meetings, trying to both advocate its concerns and sense Jakarta’s normative position on human rights issues (interview participant C04 2016 [translated]). Moreover, realising how the Indonesian government planned to propose new ideas while chairing ASEAN in 2003 and expected wider input for the proposal of an ASEAN Charter in 2006, KontraS expanded its focus to not only advocate domestic but regional human rights problems.

More importantly, concomitant with its endeavours in engaging with the Indonesian government and ASEAN, KontraS deliberately created public pressure by openly criticising ASEAN’s lack of progress on human rights. Although it joined some of the foreign policy breakfast meetings, KontraS also publicly criticised the ASEAN Charter’s ‘lack of legal force as a [mere] compromise by the governments of ASEAN because some member states have yet to side with human rights’ and urged the Indonesian parliament to reject the Charter as ‘[the Indonesian] parliament represents the people and this is what the people of Indonesia want as they are very frustrated with all the unresolved violations of the past’ (*New Strait Times* 2007). This undoubtedly added the complexity of the debate on the way in which ASEAN institutionalises human rights norms and signified how KontraS became one of the staunch critics of the weakly institutionalised ASEAN human rights mechanism, describing it as ‘a means to avoid international inquiries into human rights cases in the region’ (Hermawan 2009; see also Azhar 2009). Further detailed account of this issue, especially norm dynamics and power relations between the Indonesian government and critical CSO, like KontraS, will be elaborated in Chapter VI.

Despite advocating for the rejection of the ASEAN Charter, KontraS continued to engage in the subsequent progress of ASEAN’s human rights mechanism. Ahead of the establishment of the AICHR in 2009, KontraS attempted to lobby ASEAN. One of KontraS’

former coordinators (interview participant C01 2016 [translated]) particularly recalls this moment,

Around 2008 and 2009 we held several press conferences and tried to lobby [ASEAN]. We lobbied not only the Indonesian government but also other [Southeast Asian] governments which are receptive to the promotion of human rights like Philippines. Several countries like Indonesia, Philippines and Thailand were regarded as the champions of human rights in ASEAN; and we lobbied them to ensure their commitment [in establishing an effective AICHR].

After the establishment of AICHR, KontraS frequently requested audiences with related Indonesian government bodies and AICHR for discussion on regional human rights issues; and this usually took the form of individual (ie. only KontraS) and collaborative requests (i.e. KontraS with other CSOs). Moreover, KontraS often synchronised its request for an audience with generating critical public pressure. From 2006 to 2018 KontraS generated 75 critical press releases and open letters that dealt with ASEAN, mostly advocating Indonesia and ASEAN to push the Myanmar government to protect the Rohingya people, criticising both AICHR' reluctance to be open to input from CSOs and weakness in facing regional human rights problems, as well as urging Indonesia to show its leadership in ensuring human rights protection in the region, including opposing the practice of enforced disappearance. For example, KontraS issued a press statement on 27 November 2017, urging ASEAN to hold an extraordinary summit to discuss Rohingya crisis. KontraS specifically criticised the ASEAN Summit, held in the Philippines on 13-14 November 2017, for overemphasising 'matters relating to the South China Sea, North Korea, terrorism threats globally, and new economic cooperation with Russia' and failing 'to discuss the humanitarian crisis and human rights violations in Rakhine' (Republika 2017; see also KontraS 2018). KontraS reminded ASEAN that the Rohingya crisis was not only Myanmar's problem. Instead, the crisis reflected the weak human rights progress in ASEAN (Antara 2017; see also KontraS 2018).

Criticism against the authorities in public space has become a distinct KontraS' political strategy. KontraS often staged protests that could provoke anger from the authority, such as

during its demonstration for commemorating International Human Rights Day in 2015 where seven of its activists were arrested by the police (see Viva 2015). Moreover, KontraS also often connects its protest with a demand for an audience with senior government officials to discuss human rights issues, such as with the Indonesian Minister of Foreign Affairs in 2015. Starting with a confrontational press release in its open letter, KontraS controversially claimed that the Minister '*telah melakukan kebohongan publik*' [has lied to the public] with her misleading comments on how the UN Convention against Illicit Traffic in Illicit Drugs and Psychotropic Substances (1988) allowed for the practice of death penalty (KontraS 2015). This clearly provoked the Ministry to respond to KontraS' demand for an audience; and in return, it gave KontraS the opportunity to directly engage with the Minister in discussing wider human rights issues, including problems in ASEAN. A prominent activist from KontraS (interview Participant C03 2016 [translated]) illustrates:

Before announcing the press release we demanded an audience with the Indonesian Minister of Foreign Affairs, particularly in discussing Indonesia's human rights policy in the international [arena]. After we publicised the press release, we got a response from the Indonesian MOFA, inviting us for a meeting with the Minister of Foreign Affairs, Retno Marsudi.

In a similar vein, KontraS also utilised a support mechanism for its public protests, particularly through the Indonesian newly enacted law of public information disclosure. According to one of KontraS' senior activists (interview participant C03 2016 [translated]),

We aim to lessen the knowledge gap [between the state and CSOs] and synchronise our perception. Thus, we try to get *updated* news from local, national and regional levels Relatedly, there is Indonesia's Public Information Disclosure Act of 2008 ... that we can use to communicate with the Indonesian government, particularly in getting information on human rights related issues.

Indonesia's Public Information Disclosure Act 2008 became a tool for KontraS to push the government to open up its decision-making process to related agencies on human rights issues, particularly as the law compels the state to be responsive to CSOs' demands for access to information.

The second KontraS approach is applying critical public pressure through CSOs' networking across the region. This is specifically in line with the logic of a 'boomerang' pattern of advocacy for transnational actors. Keck and Sikkink (1998: 12) observe that 'domestic [CSOs can] bypass their state and directly search out international allies to try to bring pressure on their states from outside'. As CSOs' legitimacy depends on their access to information, creating transnational networks with like-minded groups at home and abroad can strengthen CSOs' capability in formulating well-informed demands and amplifying their claim as the true representative of the wider community concerns (Keck and Sikkink 1998; Risse-Kappen 1995; Risse and Sikkink 1999).

Given the organisation was established at the end of the Suharto regime in 1998, the genesis of KontraS cannot be separated from public' increasing awareness for safeguarding democratisation process in Indonesia and the region as well as building a better collaborative network through regional and international CSO networks. One of KontraS' former coordinators (interview participant C04 2016 [translated]) recalls this experience in early KontraS involvement in both regional and international networks, as follows:

Since the establishment of KontraS in 1998 we have been interacting with several organisations at the regional level. This is not only in Asia but also Latin America, especially with countries that have severe records of enforced disappearance. From 1998 we have been joining some congresses, such as The Latin American Federation of Associations for Relatives of the Detained-Disappeared and the Asian Federation against Involuntary Disappearances. Hence, from the beginning KontraS could realise that [human rights abuses] were not a local phenomenon in Indonesia, but a global phenomenon.

Through this process, KontraS could gather information and policy options on how similar problems are faced in other countries, building regional awareness and consolidating transnational CSOs' advocacy in the region.

KontraS was aware of the strong resistance of Southeast Asian countries to perceived Western agitation for human rights norms. As such, rather than focusing on ASEAN, KontraS' strategy in engaging and consolidating a critical voice through its regional CSOs network was

initially aimed at lobbying the UN to pressure the Indonesian government to adopt universal human rights standards, reflecting Keck and Sikkink's (1998) idea of a 'boomerang' pattern of advocacy. However, realising the increasing opportunity to shape ASEAN's human rights mechanism, KontraS expanded its advocacy in engaging with ASEAN in 2006 through consolidating other critical CSOs' public pressure using two main channels: first, getting involved in the Solidarity for Asian People's Advocacy Task Force on ASEAN and Human Rights (SAPA-TFAHR) as a regular forum to advocate for CSOs' criticisms and ideas to ASEAN; second, coordinating with other CSOs in the region to hold ad hoc protests on urgent human rights crises, and to access direct audiences with government officials.

KontraS' initial engagement in the SAPA network related to Forum-Asia's advocacy in the region. Different from other CSOs, Forum-Asia's main aim was building a critical mass of CSOs' voices, particularly in advocating for the rights of marginalised and discriminated people in the region; and in doing so, it engages with and assists other critical CSOs' advocacy in the region, including KontraS. For example, Forum-Asia with other critical CSOs, especially the Asian Cultural Forum for Development and the Alternative ASEAN Network on Burma, hosted the 'Symposium on ASEAN 2000 and Beyond: Putting People First' in Bangkok in July 2000. The Symposium invited 200 CSOs in the region and came up with a document titled 'ASEAN People's Agenda for the 4th Informal Summit'. The document contained some striking points, such as the push for ASEAN to create an ASEAN human rights mechanism and adopt an international human rights instrument, the need for further democratisation in the region, and the need to respond to each country's human rights problems in the region, marking one of the earliest wider CSOs' gathering on ASEAN human rights issues after the Asian financial crisis (Gerard 2014b; *The Nation* 2000).

Specifically, the engagement between KontraS and Forum-Asia signalled a strong collaboration between domestic and regional CSOs. During 1999 and 2000 Forum-Asia

colaborated with KontraS in advocating a peace solution for human rights problems in Aceh. After that, Forum-Asia supported KontraS in its regional lobbying activities and even shared the same office when Forum-Asia opened its office in Jakarta. One of Forum-Asia's activists (interview participant F09 2016 [translated except for italics]) elaborates:

Forum-Asia focused on ASEAN as one of its targeted platforms. This is because we saw the interest of other CSOs in ASEAN was still so low. Accordingly, we tried to encourage other CSOs to know more about ASEAN and its mechanisms as well as to *encourage their participation* in ASEAN's political process and decision-making process. In doing so, we [invited other CSOs] to our *regional training* and *national training* ... [as well as] published a *guide book* about ASEAN. After becoming more *advanced*, we built a *website* as an *online platform* for sharing information between CSOs about human rights in ASEAN.

With facilitation and collaboration with Forum-Asia, KontraS could connect with other critical CSOs and expand its lobbying activities beyond the issue of enforced disappearance in the region.

More importantly, KontraS' strategy to build public pressure through regional networks was facilitated by the efforts of Forum-Asia and other critical CSOs, such as SEACA, ASIADHRRA and Focus on the Global South, in establishing an alternative coordinating mechanism for CSOs in the region. This cannot be separated from how critical CSOs in the region held negative perceptions of the ASEAN-ISIS-led APA forum. Even though there was much appreciation of the APA role in pioneering efforts in facilitating CSOs' engagement with ASEAN, CSOs outside ASEAN-ISIS had limited participation in determining the APA agenda, including in setting up a much more independent and critical attitude against the ASEAN *doxa* (see Lopa 2008; see also Gerard 2013, 2014b). As a result, critical CSOs in the region started to push ASEAN to open up or widen its CSOs' political space. The Malaysian government, while chairing ASEAN in 2005, agreed to call for the coalition of CSOs to organise the first ASEAN Civil Society Conference (ACSC) (Gerard 2014b). After the ACSC, this coalition of CSOs formed SAPA in 2006 as a networking platform for promoting grassroots' voices in ASEAN and advancing CSOs' critical engagement with ASEAN (Chandra 2006, 76; Collins

2013, 67; see also Uhlin 2016, 96-97). Through some political dynamism, the format of ACSC was relaunched by Thai government as ASEAN's People Forum (APF) in 2009. Accordingly, CSOs in the region often use ACSC/APF as the name of annual CSOs forum on ASEAN issues.

As discussed in the previous chapter, the efforts of Forum-Asia and other critical CSOs at the regional level matched KontraS' increasing interest in engaging with ASEAN along with the opportunity to shape the regional human rights mechanism. As a result, KontraS joined ACSC/APF and became one of the active and vocal members of SAPA-TFAHR. One of KontraS' senior activists (interview participant C03 2016 [translated except for italics]) specifically illustrates KontraS' eagerness in consolidating human rights concerns through regional networks.

[We wanted to] strengthen the civil society movement in Southeast Asia. Even, before the establishment of AICHR, KontraS was involved and *took lead* in the SAPA network. ... In terms of its action, SAPA, especially the Task Force on ASEAN and Human Rights, fervently tried to advocate human rights not only to the individual states but also to ASEAN, creating a distinct pattern [of advocacy] in the region.

Here, KontraS' involvement and active leadership in SAPA network marked a greater commitment for a critical voice to ASEAN. According to one of KontraS' senior activists, ACSC/APF and the SAPA network facilitated KontraS and other critical CSOs in the region 'to synchronise perceptions' on how to react with regional human rights problems and to exercise their capability to solidify their '*pattern* within the collectivism of civil society in the region' (interview participant C03 2016 [translated except for italics]). As such, these forums could foster the collaborative effort of CSOs in providing an 'alternative governance arrangements' in ASEAN (Nesadurai 2010, 18).

Indeed, KontraS' networking strategy with similar critical CSOs means applying more pressure to attract the attention of the Indonesian government and ASEAN, aiming to gain leverage over much more powerful organisations within ASEAN's political space (see Keck and Sikkink 1998; see also Tarrow 1998, 188-89). There are at least two examples of how

KontraS worked with other critical human rights-focused CSOs in synchronising voices and holding joint public protests. The demonstration outside the Myanmar Embassy in September 2011, for instance, was held by KontraS, Imparsial, LBH, and Solidaritas Indonesia for ASEAN People (SIAP). One of KontraS' former coordinators (interview participant C01 2016 [translated]) recalls KontraS' advocacy strategy, as follows:

We use issue-based advocacy. We often advocated international cases in Indonesia ..., such as how the protest rallies we organised at the Myanmar Embassy in Jakarta. KontraS tried [with other critical CSOs in Indonesia] to show our *international solidarity*. We brought a regional issue to [Jakarta] so we could push the Indonesian government to make an immediate response to [regional human rights problems] (see also KontraS 2011).

By coordinating various CSOs to send an open letter and stage a protest rally at the Myanmar Embassy, KontraS highlighted the importance of tactics in gathering popular support to put pressure on ASEAN to step up in dealing with the Rohingya crisis, demanding progress in Myanmar and in regional human rights mechanism in the region.

Moreover, KontraS also joined other critical CSOs' in linking with the international community to increase pressure. During the 4th Regional Consultation on ASEAN and Human Rights in Bali in November 2011, KontraS and other CSOs within the SAPA-TFAHR network declared, in their open letter, that they were 'disappointed that the AICHR has thus far failed to engage with all stakeholders in the drafting of the ASEAN Human Rights Declaration (AHRD)' and aligned with the then UN High Commissioner for Human Rights, Navanethem Pillay's call for ASEAN 'to be transparent and accountable and make public any drafts of AHRD for input and comments from the public' (Forum-Asia 2011; see also *The Jakarta Post* 2012; Uhlin 2016, 165). Facing with the preponderant ASEAN *doxa* which often expects CSOs to tolerate the weak quality of human rights protection in the region and appreciate the current achievement as a 'glass half full' process, the then KontraS' coordinator accused ASEAN of 'clearly wants to protect their countries' judicial systems that may offend human rights' (Saragih 2012). In fact, KontraS pushed even further by denouncing the adoption of AHRD,

regarded as far below international standards. KontraS and other critical CSOs wrote a joint open letter which contained critical points, as follows:

This Declaration is not worthy of its name. We therefore reject it. We will not use it in our work as groups engaged in the protection of human rights in the region. We will not invoke it in addressing ASEAN or ASEAN member states, except to condemn it as an anti-human rights instrument. We will continue to rely on international human rights law and standards, which, unlike the ASEAN Human Rights Declaration, provide all individuals, groups and peoples in ASEAN with the freedoms and protections to which they are entitled. We remind ASEAN member states that their obligations under international law supersede any conflicting provisions in this Declaration. This Declaration should never be the basis to excuse the failure of a state to meet its international human rights obligations (HRW 2012).

At this juncture, naming and shaming ASEAN as well as pushing for transparency was crucial for KontraS, underlining how ‘powerful entities, such as states ..., should be held accountable for their behaviour’ (Florini 1998, 52). This effort was also aimed at garnering greater interest from international organisations, such as the European Union and the United Nations, and wider international CSOs, such as Amnesty International, to push for ASEAN to open up more space for wider consultation with CSOs and progress on human rights issues, highlighting how human rights, democracy, and transparency have become central in the contemporary international community through normative integration among wider actors at the global level.

Secondly, KontraS’ strategy of consolidating a critical voice outside ASEAN-ISIS-led forums aimed to increase its position in the region, including being trusted and well regarded among critical CSOs. According to one of KontraS’ former coordinators (interview participant C01 2016 [translated except for italics]),

After 2009, [we focused] on giving input to AICHR’s agenda and mechanism. In doing so, we lobbied to ASEAN via its Committee of Permanent Representatives (CPR). As my regional colleagues requested Indonesian CSOs to lead due to the proximity to the ASEAN Secretariat. I accepted their request and met with CPRs from Thailand, the Philippines and Indonesia. From 2009 and 2011, I specifically led several meetings, particularly in preparing [CSOs’ input] for the terms of reference for AICHR’ mechanism to communicate with ASEAN citizens as well as the input for ASEAN [Human Rights Declaration] Through the process I co-convened the meeting for gathering input and hosted the regional meeting of *ASEAN human rights CSOs consultation* in gathering updates from national levels [across Southeast Asia].

Whereas CSIS also gathered voices from other CSOs and tactfully communicated their voices to the Indonesian government and ASEAN with supportive narrative, KontraS perceived such approach as prolonging the Associations' 'exclusive' attitude (interview participant C01 2016 [translated]). For KontraS, it is essential to be able to collaborate with wider CSOs in sending critical messages to the Indonesian government and ASEAN. KontraS has often collaborated in CSOs' joint protests and public campaigns. In doing so, KontraS could gain greater trust from other CSOs and build a better advocacy coordination at both national and regional levels. According to one of KontraS' former coordinators (interview participant C01 2016 [translated except for italics]),

What we did was create a sort of sharing duty mechanism. I personally became the co-convenor [for SAPA-TFAHR] and KontraS [was assigned] as the *national focal point*. As *national focal point* we gave critical input [to ASEAN] and conveyed messages from regional [network] to [national network in] Indonesia or vice versa.

Indeed, by being critical of the government and ASEAN, KontraS represented CSOs' active participation in representing citizens, especially human rights victims. At its core, KontraS' approach of public demonstrations and of regional CSOs' networking aimed to push ASEAN reform towards adopting human rights norms and to urge Indonesia to become 'the pioneer for [such] ASEAN reform' (interview participant C01 2016 [translated]). In engaging with ASEAN and the Indonesian government, KontraS strongly resisted the ASEAN *doxa*, such as tolerating the watering down process of adopting universal human rights standards. This distinguishes KontraS with other CSOs' approaches on regional human rights issues.

Pattern of adaptive engagement

Other CSOs demonstrated a different approach. Although the genesis of most critical Indonesian CSOs was related to the commitment to empowering marginalised people and human rights victims, not all of them focused on naming and shaming. In the case of ASEAN, some of these CSOs had closer access to regional mechanisms, in the sense of acknowledging

the complexity of socialising human rights norms within the field of ASEAN. Instead of persisting with predisposed normative beliefs, they emphasised the need to adapt in order to better socialise human rights norms.

Specifically, there are some CSOs exemplifying an *adaptive* advocacy strategy, especially HRWG. In better pushing for human rights norms socialisation in the region, HRWG shows a distinct pattern in transforming its advocacy strategy from emphasising a critical approach to a more supportive narrative in engaging both the Indonesian government and ASEAN. Thus, HRWG supported a gradual change in ASEAN's normative development for accepting and adopting human rights norms.

Human Rights Working Group (HRWG)

The establishment of HRWG signified an important progress in critical CSOs' advocacy in Indonesia. Gradually realising the importance of focusing their advocacy not only on the state as the traditional 'duty-bearer' but also on international actors (e.g. international organisations and Western countries) in the hope of a 'boomerang effect', critical Indonesian CSOs often hoped to develop a coordinated international advocacy centre (see Keck and Sikkink 1998). HRWG, at this juncture, was established in 2003 to perform as a specialised task force.

In line with Risse and Sikkink's (1999, 25) argument that increased international attention may 'create and/or strengthen local networks of human rights activists', the establishment of HRWG is essential for critical CSOs in Indonesia, particularly regarding two aspects. First, HRWG, along with other critical CSOs, was created to advocate against the Indonesian government's weak commitment to its obligations to enforce and promote human rights. Second, HRWG was also committed to building better coordination among human rights advocacy workers and increasing the capacity of its member CSOs' advocacy, particularly at the international level.

However, one of the most salient characteristics of HRWG's pattern of advocacy is how it came to understand the field of ASEAN and then adjusted its advocacy. Specifically, HRWG demonstrated a transformation before and after 2009, signifying the possibility of CSOs' changing approach in socialising human rights norms to the Indonesian government and ASEAN. While HRWG was established to embody the spirit of numerous critical CSOs as its constituent members, it recalibrated its approach to engagement, especially after its then director was picked by the Indonesian government as the formal Indonesian representative for AICHR (2009–2015) and began to closely engage with ASEAN mechanisms.

Historically, HRWG was established along with the increasing interests of Indonesian CSOs in undertaking international advocacy, particularly through UN mechanisms. The UN became the main target as it has had a long history of open engagement with CSOs, especially through consultation to the United Nations Economic and Social Council (ECOSOC). HRWG gradually widened its advocacy in engaging ASEAN in 2005 along with other critical CSOs. One of HRWG's senior activists (interview participant D01 2016 [translated except for italics]) specifically recalls his experience in engaging with the UN Commission on Human Rights (it was previously known as the United Nations Commission on Human Rights) in Geneva, where CSOs submit their reports and advocate for human rights issues at the international level, as follows:

We engaged with the UN mechanism as it is [the most suitable platform] at the global level. I, as a human rights activist, initially did not see any relevance in advocating human rights in ASEAN. I also had not heard it when I was active in Geneva and even when I went back [to Indonesia and started HRWG] in 2003. The UN is our core [target] as a permanent coalition of CSOs' [international advocacy] in Indonesia We started to be interested in human rights issues in the region only after 2005 [as ASEAN prepared its Charter].

In its early engagement with ASEAN, HRWG was committed to collaborating with other critical CSOs and adopted a confrontational approach to the Indonesian government and ASEAN. HRWG shared the general view of critical CSOs of the ASEAN *doxa* at that time,

particularly the belief that ‘ASEAN cooperation is very *state centric* ... and general people have [little or] no connection to it’, (interview participant D01 2016 [translated]). In reacting to such *doxa*, HRWG’s strategy for advocacy had two main features: first, active collaboration and involvement in the network of critical CSOs in the region, such as the Solidarity for Asian People’s Advocacy (SAPA) network; and second, connecting CSOs’ critical advocacy between regional and national levels. These two actions were particularly correlated, as the initial aim for the establishment of HRWG as a task force to connect critical Indonesian CSOs with the international community and facilitating their advocacy in international fora. This eventually led HRWG to focus on being an important actor in advocating human rights in ASEAN.

In reacting to the Indonesian government’s and ASEAN’s move in widening its political space for CSOs, HRWG tried to gather critical Indonesian CSOs’ voices on human rights issues and become one of the key actors in representing these voices in the SAPA network. A senior activist from HRWG (interview participant C01 2016 [translated]) illustrates this process.

We closely connected with SAPA. It started on 2005, when the first ASEAN Civil Society Conference was held in Malaysia. At that time SAPA was created as a medium for engagement between CSOs and ASEAN. Certainly, there were other CSOs that have been engaging ASEAN before us. We specifically joined them to give civil society input on how [ASEAN] Charter should be ..., particularly to the member states which have open [political] space.

HRWG took advantage of the expanded political space in Indonesia and attempted to convey critical Indonesian CSOs’ concerns to Indonesian government officials. It contacted the Indonesian EPG on the ASEAN Charter, Ali Alatas, and the Indonesian High-Level Task Force, Dian Triansyah Djani, to submit critical Indonesian CSOs’ input on the ideal design of the ASEAN Charter. Moreover, after finalising a draft of CSOs’ input, HRWG and other critical CSOs handed it to officials during the interface meeting with the High-Level Task Force in Bali (see also SEACA 2007).

Clearly, during the crucial time in drafting the ASEAN Charter, there were two primary competing CSOs' strategies, namely supportive and critical engagement with ASEAN. While some CSOs chose to engage constructively by conducting informal lobbying of Indonesian diplomats and ASEAN senior officials, other CSOs, including HRWG, decided to initially engage with ASEAN, stridently demanding a full and radical adoption of human rights norms into the ASEAN mechanisms. This is candidly narrated by one of HRWG's senior activists (interview participant D02 2016 [translated except for italics]), as follows:

At that time, HRWG was with SAPA. It meant that we were critical and did not have access to [ASEAN] senior official meetings. If you could compare the input from SAPA and Working Group [for an ASEAN Human Rights Mechanism] you can see that despite both shared the common ground of [the importance of] establishing a human rights body [in ASEAN], these two networks had different ways of delivering the message. SAPA specifically choose to formulate its ... input for ASEAN through a series of *meetings* with the *grassroots*; and when we heard the ASEAN Charter will include the plan to establish human rights mechanism, we take it as an *opportunity* to engage with them.

The general pattern for networking among critical CSOs at that time was several CSOs were designated as focal points for Indonesian CSOs' advocacy in ASEAN, including HRWG. In doing so, HRWG had two main tasks. On the one hand, HRWG hosted a series of meetings with other Indonesian CSOs to gather their input; and after that, the abovementioned CSO input was discussed at the SAPA regional meeting and documented as a sort of 'master document' of regional CSOs' advocacy expectations in dealing with ASEAN (interview participant D02 2016). On the other hand, HRWG also collaborated with other critical CSOs in Indonesia in conducting public campaigns synchronized with SAPA's agenda. One of HRWG's prominent activists (interview participant D02 2016 [translated except for italics]) specifically recalls,

We made the agreement on the agenda [at SAPA]. It was a *top down* [process], pushing all CSOs to implement similar actions When [SAPA] created the *press release* and each focal point translated it and published it in a *top-down* fashion. The idea was we would have only one united voice across the region (see also Forum-Asia and CSDS 2001)

Moreover, HRWG and other CSOs were also supported by foreign aid projects, such as the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) [German Corporation for International Cooperation] project in assisting regional CSOs under the umbrella of conference reporting workshops (GIZ 2017). Within the framework of ‘capacity building for the ASEAN Secretariat’ in 2008 to 2010, GIZ invited several critical CSOs and some journalists to attend a series of workshops and reporting exercises, ranging from the ASEM7 Summit in 2008 to the 17th ASEAN Summit in 2010. Through these workshops, critical CSOs could conduct ‘interviews with key players in ASEAN politics, such as the then Secretary-General of ASEAN, Dr Surin Pitsuwan’; and as a result, ‘numerous articles were published in the regional media delivering a manifold picture of the development of the ASEAN community’ (GIZ 2017). More importantly, as critical CSOs became more active in joining regional gatherings and publishing their ideas and criticisms in the media, ASEAN ‘seemingly started to realise the sheer size of CSOs’ interest in advocating human rights in ASEAN’, marking a striking difference from supportive CSOs which did not use the media or have a mobilisation strategy (interview participant D02 2016 [translated]).

HRWG’ strategy of critical advocacy had a notable implication. Although the organisation’s involvement in the SAPA network demonstrated how CSOs could gather aspirations and collaboratively form a common reference for regional human rights advocacy, this advocacy strategy also expected HRWG to strictly follow the centralised message from the SAPA network, creating a clear top-down process in terms of advocacy at the local level. This was initially expected to create coherence; yet at the same time this can be regarded as the mechanism for avoiding the positioning of local CSOs as competitors to the regional focused CSOs like Forum-Asia.

The appointment of the then director of HRWG, Rafendi Djamin, to be the Indonesian representative to the AICHR in 2009 marked a salient change in HRWG’s advocacy. While its

inception was closely linked with the spirit of consolidating Indonesian CSOs' voice to critically engage the Indonesian government and ASEAN, HRWG appeared to have gradually shifted its advocacy strategy since 2009. HRWG tended to broaden its approach by not only focusing on criticising the Indonesian government and ASEAN but also giving input and amicable support. This strategy demonstrated the HRWG's adaptive approach to better voicing CSOs' expectations to socialise human rights norms in ASEAN, differentiating itself from the existing CSOs' critical approach. According to one of HRWG's prominent activists (interview participant D01 2016 [translated]),

There was a dynamism in HRWG's strategy of engagement during my time [as the Indonesian representative to] AICHR. There was a change in differentiating our engagement strategy. HRWG choose to focus on working with civil society to support [ASEAN]. That is why our ASEAN program was prominent, especially as we have plenty of resources for our advocacy programme.

HRWG's shifting strategy seemingly reflected deeper knowledge of the dominating *doxa* within the field of ASEAN. Through Rafendi Djamin, who was not only the director of HRWG, but also the Indonesian representative in AICHR, HRWG recognised a deeper aspect of the dominant ASEAN *doxa*, particularly the implication of the longstanding practices of intergovernmentalism within the Association and the ways in which CSOs can still socialise sensitive subjects, such as human rights norms. This is clearly illustrated by one of HRWG's senior activists (interview participant D02 2016 [translated except for italics]).

Through the engagement experience with Forum-Asia, HRWG initially believed that in order to advocate in regional issues we needed to focus in engaging with regional [mechanisms]. However, after several years, we felt that our regional advocacy was still abstract. Realising that the characteristic of ASEAN was still an *intergovernmental* [organisation], we should make the idea of reform come from the member states rather than from regional level.

From this new understanding of the ASEAN *doxa*, HRWG reassessed its advocacy strategy as a CSO in the field of ASEAN. Rather than choosing to support the 'top-down' approach and tight consolidation of critical CSOs' voices, which could lead to animosity with ASEAN member states, HRWG believed it was important to promote better ASEAN awareness among

wider local CSOs in all member states, particularly in less democratic states, and to train them for better engagement approach with their respective government on ASEAN issues. A senior activist from HRWG (interview participant D02 2016 [translated except for italics]) clearly outlines this approach, as follows:

Our approach is leaning towards the idea of ‘*national capacity building for regional challenges*’ and if all CSOs in the Southeast Asia have a [better] capacity, regional CSO will be benefited as well As such, we expect regional CSO not to use *top-down* approach, but to empower local CSOs through facilitation of how [local] voices could be mobilised and organised.

HRWG gradually manifested its new political strategy for advocacy in several ways. These ranged from allowing its members to become government appointees in ASEAN mechanisms to altering its narrative from the emphasis on criticising the authority to providing support measures for ASEAN. These actions were taken in embodying the logic that CSOs needed to fully understand ASEAN’s structures and mechanisms. As one of HRWG’s senior activists (interview participant D04 2016 [translated except for italics]), puts it, HRWG should be able to ‘follow ASEAN’s structure and agenda and playing their *game*’, reflecting a strong willingness to get closer access to and better knowledge of the field of ASEAN as well as signalling a distinct normative position of adapting with dominant *doxa* in the region.

HRWG’s first notable action was its decision to not oppose ‘*crossing over*’, meaning that ‘[member activists of] a critical CSO could change their role to become a part of government, as this could support [the CSOs’ effort in socialising norms]’ (interview participant D02 2016 [translated]). Indeed, ASEAN’s opaque nature regarding its mechanisms and diplomatic practices often created frustration among CSOs. While CSOs generally engaged ASEAN in the hope of pushing for reform, this expectation was often hampered by lack of transparency and reliable access to information about what was actually happening within ASEAN. As such, HRWG realised the need to make the most of opportunities, including the chance to access ASEAN through the promotion of one of its members, namely Rafendi

Djamin, into the AICHR as the formal ASEAN body in dealing with human rights issues in the region. For one of HRWG's prominent activists (interview participant D02 2016 [translated except for italics]), 'realising one of our problems with ASEAN was the lack of *information access*; we expected [Rafendi Djamin] could get closer to [ASEAN] and give us better access to information'. Therefore, HRWG attempted to get more information from ASEAN and understand it better, to *adapt* to existing regional, and to strategically socialise human rights norms with palatable narrative to the Indonesian government and ASEAN.

This mechanism eventually brought about better access for HRWG, especially supporting the Indonesian government and ASEAN in gathering CSOs' voices on regional human rights issues. A senior activist from HRWG (interview participant D04 2016 [translated except for italics]) illustrates this point.

Having a person within the system is a success story [for us], as it allowed us to know the political map and the strategic issues [in AICHR]. When we know [ASEAN's] interests and each country's sensitivity to our issues, we could engage them better. ... This is the advantage of being both an *outsider* and an *insider*.

Nevertheless, after Rafendi became the Indonesian representative to the AICHR in 2009, HRWG realised that it needed to maintain its legitimacy as a CSO, especially in positioning the organisation outside the realm of the state and maintaining its independence in advocacy. As a result, 'the internal mechanism for deciding ASEAN advocacy was given to the Deputy Director of HRWG, Choirul Anam' (interview participant D02 2016 [translated]). Yet, despite taking this action, some other CSOs, such as KontraS and CSOs within the SAPA network, viewed Rafendi's continuing involvement in HRWG with great concern, signalling a distinct relationship between HRWG and other critical CSOs in the region (this will be further elaborated in Chapter VI).

HRWG's second notable action was its decision to gradually distance itself from the SAPA network and become an independent hub in facilitating CSO input to the Indonesian government and ASEAN, particularly as it gained more knowledge of the dominating *doxa* in

the field of ASEAN from Rafendi's experience in AICHR. This changed the tone of engagement with the Indonesian government and ASEAN. At the same time, HRWG sought to 'send ideas to other CSOs that if we want to see change at the regional level, CSOs need to do it at the national level by *accessing your government*' (interview participant D02 2016 [translated except for italics]).

Practically, instead of focusing on protests and critical campaigns against the Indonesian government and ASEAN, HRWG gradually became involved with other CSOs, especially CSIS in facilitating informal human rights dialogue between the ASEAN Secretary-General, the CPR and CSO representatives. This served as a convenient medium of communication between CSOs and ASEAN officials. The informal dialogue between the ASEAN Secretary-General and CSO representatives on human rights was initiated by CSIS in 2009 with financial support from the Swiss Federal Department of Foreign Affairs; and at that time, HRWG participated in that event as an advisor (CSIS and HRWG 2012). However, since 2011 HRWG has acted as a co-organiser along with CSIS in hosting the event. The Office of Permanent Representative of Indonesia to ASEAN was responsible for mobilising members of the CPR and arranging the ASEAN Community Dialogue (CSIS and HRWG 2012, 7-10). Since its inception in 2009, 'there have been five meetings and this platform is expected to be held every year' (interview participant B02 2016 [translated]).

Through engagement with CSIS in hosting informal dialogue between ASEAN and CSOs, HRWG gained much knowledge about ASEAN. HRWG realised that not all ASEAN member states have similar openness to human rights norms. One of HRWG's senior activists (interview participants D02 2016 [translated except for italics]) notes that HRWG 'sees ASEAN as a fragmented organisation in which some of its democratic member countries can accept and feel *relaxed* with the idea of human rights and other non-democratic member countries may accept but are not *relaxed* with the idea of human rights'. In believing that

ASEAN member states have a varying degree of affinity to different human rights issues, HRWG realised that it would be better to strategically focus on mapping human rights issues and engaging with promising partners. For example, ‘socialist countries [in ASEAN] will *do nothing with civil and political rights*, but they will be very committed to *communal rights*’ (interview participant D04 2016 [translated except for italics]). Moreover, HRWG also started to realise the need to comply with ASEAN procedures in order to have a meaningful dialogue with ASEAN senior officials. Specifically, HRWG learned how to express a palatable narrative about the need to adopt universal human rights principles while maintained its basic form as a critical Indonesian CSO. For example, HRWG tried to keep ‘mobilising [a critical] voice’; yet, ‘if there are some differences in [CSOs’] voices, we inform [the Indonesian government and ASEAN] not in the [open] forum but through informal channels’ (interview participant D02 2016 [translated]).

Nevertheless, it is important to note here that despite gaining deeper knowledge of ASEAN, HRWG has not entirely abandoned its critical approach. HRWG maintained its independence by voicing critical ideas in public via opinion pieces in newspapers and press releases. Keeping its status as an umbrella organisation for critical Indonesian CSOs’ advocacy at the international level, HRWG has continued to generate joint press releases and open letters criticising the government, including maintaining several channels of communication with other CSOs (e.g. a mailing list platform named ASEANCats) as a conduit to gather endorsements for joint critical open letters to ASEAN. Moreover, HRWG has also been trying to engage with other critical CSOs in organising events for CSOs in the region to voice their aspirations to ASEAN. One example was the ASEAN Civil Society Conference in 2011 where HRWG collaboratively engaged with other critical Indonesian CSOs in hosting the event. A prominent activist from HRWG (interview participant D01 2016 [translated except for italics]) recalls,

In 2011 when Indonesia was the *Chair* [of ASEAN], we [helped in facilitating ASEAN] *civil society conference*. That was one of the biggest events where [CSOs] could *fully engage with all layers of leadership in ASEAN* from director general, director, and ambassador up to the vice president. ... I guess that was one of the most interactive dialogues that could involve the *highest level* of leaders in ASEAN.

This certainly marked one of HRWG's achievements in connecting the Indonesian government and ASEAN with critical CSOs in the region. However, through this experience HRWG also realised the 'mixed views among [critical] CSOs', especially as some CSOs disregarded the strategic opportunity for interface with ASEAN officials (interview participant D03 2016 [translated]). This eventually emboldened HRWG's shifting strategy of advocacy, particularly in differentiating itself with other critical Indonesian CSOs.

The third notable approach of HRWG was its commitment to facilitating CSOs in other states to engage with their respective governments on ASEAN issues in a less top-down manner. This signified HRWG's shifting advocacy pattern away from the emphasis on centralised voice coordination, which has been the common practice in critical CSOs' human rights advocacy, such as KontraS. Recognising the longstanding feature of ASEAN as an intergovernmental regime, HRWG knew that 'if we want a speedy transformation [in ASEAN] we need to build CSOs capacity at each national level; and accordingly, these national CSOs would not only advocate their [domestic concerns] but advocate [shared problems] at the regional level' (interview participants D02 2016 [translated]).

The practical manifestation of this policy was HRWG's Supporting Democracy project. Since 2011 HRWG has been hosting workshops and sharing sessions with CSOs from less democratic ASEAN member states, such as Myanmar and Cambodia. Through the project, HRWG conducted several activities, such as arranging a meeting between CSOs and ASEAN officials and facilitating these CSOs to help them prepare their strategy of advocacy. One of HRWG's senior activists (interview participant D02 2016 [translated except in italics]) exemplifies some of its activities,

We worked with the ASEAN Studies Centre in Laos and invited CSOs from Myanmar and Cambodia to visit Indonesia Our approach to Cambodian [CSOs] was that we never ordered them to do something. We tried to assist them in creating a *Cambodian Civil Society Network* for ASEAN. We believed that strengthening national-level CSOs would not only boost their ability in advocating [human rights] but also sustain [our advocacy effort regionally]. The effect of this approach was great. Moreover, we came to Myanmar's youth groups, asking them to meet the Myanmar Ambassador to ASEAN ... and to discuss *what you want to happen during Myanmar chairmanship* [of ASEAN] with him. It resulted in the [government permit for holding] ASEAN Youth Forum and less government intervention during the ASEAN People Forum [in 2014]. We could say to these CSOs '*look, your input have been taken very seriously*'

Whereas critical CSOs often prioritised a top-down coordination process in ensuring the consolidation of CSOs' voices against ASEAN member states' ignorance of human rights norms, HRWG believed that 'if we impose certain values, it will not put them in an equal position; we need to put ourselves on an equal footing, *showing peer-to-peer* relationship' (interview participant D04 2016 [translated except for italics]).

Ultimately, the abovementioned strategies represent the core logic of HRWG's nuanced strategy of advocacy, combining critical and supportive engagement with ASEAN. At its core, HRWG is committed to better understand the dominant norms guiding ASEAN mechanisms and to seek a better way of socialising human rights norms from its traditional critical CSOs' approach. As such, rather than maintaining open oppositional and even radical criticisms of the Indonesian government and ASEAN, HRWG recalculates its position and advocacy narrative to better socialise human rights norms in ASEAN, while at the same time, maintaining its nature as an independent and critical CSO in Indonesia.

Conclusion

As Indonesian CSOs engaged with ASEAN human rights issues throughout the different Indonesian political eras of New Order and *Reformasi* era, these CSOs conducted several advocacy actions in gaining attention from the Indonesian government and ASEAN, as well as promoting human rights into the regional lexicon. Given the various approaches Indonesian

CSOs took, this chapter specifically elaborated three striking typologies of CSOs' political strategy in socialising human rights norms in ASEAN, namely supportive engagement, critical engagement and adaptive engagement.

While engaging ASEAN during the New Order era, some CSOs, like CSIS, emphasised the logic of being constructive and adaptive in reacting to the existing field of ASEAN, signifying the pattern of supportive engagement as the first pattern of CSOs' strategy of advocacy. By providing relevant well-researched policy suggestions through both direct interaction with prominent individuals in the Indonesian government and ASEAN, or bigger gatherings with regional networks of think-tanks, CSIS aimed to highlight and incentivise the importance of adopting human rights norms in the minds of ASEAN elites.

Second, the pattern of critical engagement with ASEAN was demonstrated by KontraS. In socialising human rights norms, KontraS actively conducted open oppositional campaigns and the consolidation of critical CSOs in the region, disregarding existing ASEAN mechanisms. This pattern is specifically anchored in the idea that CSOs should build unity among the like-minded CSOs in representing human rights victims in the region and acting against ASEAN's tendency to ignore human rights; and in doing so, this pattern expected the Indonesian government and ASEAN to react to CSOs' pressure in adopting human rights norms.

The third pattern of CSOs' strategy of advocacy discussed in this chapter was adaptive engagement. This strategy underlines the primacy of adapting to the field of ASEAN in order to push for successful adoption of human rights measures in ASEAN. As some CSOs learnt that publicly mobilising purely critical campaigns 'was not as successful an advocacy strategy as institutional lobbying', CSOs had to strategically manage their voices in the face of existing power structure (Lang 2013: x). HRWG demonstrated an ability to transform its advocacy from fully critical to a seemingly constructive engagement in dealing with the Indonesian

government and ASEAN. In doing so, HRWG learnt how to present a better human rights narrative to ASEAN.

Chapter VI will expand on this chapter by linking the reactions of Indonesian government officials and ASEAN to CSOs' strategies of advocacy. As each Indonesian CSO attempted to socialise human rights norms to ASEAN, ASEAN and the Indonesian government reacted differently to each CSO approach, signifying differing power relations and normative interactions among Indonesian CSOs, and between them and other political actors in the field of ASEAN.

Chapter VI:

Indonesian CSOs' Power Relations in the ASEAN Human Rights Agenda

Along with the impetus to create regional community and establish human rights mechanisms after the Cold War period, we can see a growing number of interactions between ASEAN and wider CSOs in the region, including in Indonesia. However, the actual form of Indonesian CSOs' engagement gives a far from unified picture. Different patterns of relationships between Indonesian CSOs and ASEAN on regional human rights issues generate varied forms of power relations among them. These in turn signify the nuanced context of how Indonesian CSOs contribute to the institutionalisation of human rights in ASEAN.

The previous chapter elaborated various Indonesian CSOs' political strategies and different patterns of engagement with ASEAN. In further advancing this argument, this chapter adopts Bourdieu's field theory to understand what are the implications of different Indonesian CSOs' engagements to their power relations and normative dynamics of human rights in the region. In doing so, this chapter focuses on arguing the link between different Indonesian CSOs' engagement strategy patterns and their power relations in the field of ASEAN, especially through the elaboration of each of the three in-case variations of Indonesian CSOs. This exploration is essential, given the dynamism within Indonesia's normative stance on human rights is co-constitutive with political dynamism at the domestic level, including its relationships with Indonesian CSOs (as elaborated in Chapter III). Only after exploring each of the designated CSOs' power relations in the field of ASEAN, the chapter discusses its implications for the human rights institutionalisation process in the region.

According to this research finding, each Indonesian CSO engages in regional normative debate based on its power relations in the field of ASEAN, aiming to socialise human rights norms differently. Bourdieu (1993, 30) articulates the field as 'a space of positions and

position-takings' and argues that any socio-political phenomenon should be seen as the product of power struggles among actors in taking positions. However, the power relations in the field is dynamics, especially as political actors can strive to build their symbolic capital and enact their symbolic power as recognised and legitimate actors in the field. Hence, focusing on power relations between Indonesian CSOs and ASEAN signifies two aspects: firstly, the process of cognition of how each CSO defines its normative commitment and advocacy approach in socialising human rights norms, particularly against the dominant *doxa* in ASEAN; secondly, recognition from other actors in ASEAN. This in turn affects the Indonesian government and ASEAN's degree of susceptibility to such norm socialisation.

In socialising human rights norms and reacting to the ASEAN *doxa*, some CSOs, like CSIS, focus on manifesting its normative position as a useful and skilful knowledge producer in the hope for attaining recognition as a trusted ally of the Indonesian government and ASEAN. This signals respect for the dominant *doxa* and the enactment of distinct power relations in the field of ASEAN as a supportive agent. Other CSOs, such as KontraS, pursue political activities that name and shame ASEAN member states' weak human rights protection and push the Association to fully adopt universal human rights standards. While demonstrating its eagerness to engage with the Association, KontraS signals a distinct political agency of opposing the dominant *doxa* in the field of ASEAN, enacting its symbolic power as a true grassroots' representative and an unwavering critic of human rights problems in the region. Moreover, there are other CSOs, such as HRWG, that gradually deviate from the emphasis on criticism to giving more support for ASEAN. As it gained closer access to and deeper knowledge of the existing regional mechanism, HRWG transformed its power relations with other political actors in the field of ASEAN, gaining recognition as an actor with an adaptive attitude to the dominant ASEAN *doxa*.

Interestingly, each CSO has a particular quality which affects the way in which the Indonesian government and ASEAN solicit ideas on regional human rights issues. One of former high-ranking diplomats in the Indonesian Ministry of Foreign Affairs (MOFA) (interview participant A10 2016 [translated except for italics]), gives his account on the diverging narratives and advocacy approaches among Indonesian CSOs.

Basically, we do not *set* a particular standard [in engaging with CSOs]. However, while we do not *set* fixed criteria, we consider [the quality] and intensity of our relationship. In our engagement, including at the technical level, we see the difference between *hardliner* and *softliner* [CSOs].

Here, the Indonesian government and ASEAN acknowledge different Indonesian CSOs' strategies and thus react to them differently. Specifically, as it can successfully project its symbolic power, the Indonesian government and ASEAN often solicit new ideas from CSIS. However, in doing so, CSIS often must accept the dominant *doxa*, including moderating its proposals to gain consensus. Other CSOs, like KontraS, have a different implication for ASEAN as they build their symbolic power as a persistent critic of the dominant *doxa*. Generating a strong sense of opposition to ASEAN, KontraS gains recognition from other actors, particularly other critical CSOs, and brings tactical pressure to the region. Moreover, we can see other CSOs reconfigure their power relations in the field of ASEAN from being critical to supportive. HRWG, for instance, gradually gains trust and recognition from the Indonesian government and ASEAN; although it also risks creating schism within the network of critical Indonesian CSOs in the region. These various approaches, thus, often result in less coherence among Indonesian CSOs' effort in socialising human rights norms to ASEAN.

The power of a supportive narrative: CSIS

Although ASEAN's system of CSO affiliation formally started in the late 1970s, informal relations between ASEAN and non-state actors existed well before that. In handling some

issues which they deemed required external ideas and information, ASEAN government officials, especially in Indonesian elite circles, have often engaged and solicited selective non-state actors. Some Indonesian CSOs, such as CSIS, have utilised this opportunity to closely engage with and provide assistance to ASEAN. Through this practice, CSIS could specifically build symbolic power as a trusted knowledge producer for ASEAN; and in turn, this manifests in distinct power relations with other political actors in the region as a supporter of ASEAN who can both socialise human rights norms and simultaneously respect the dominant *doxa*.

CSIS' efforts to socialise human rights norms to the region represent a supportive agent who aspires to push for ASEAN reform by proving palatable ideas according to the dominant norms and expectations in the region. To socialising human rights norms, political actors in Southeast Asia need to build distinct capacities to influence, especially in its relations with ASEAN, within the pre-existing *doxa* in the region. Thus, as Bourdieu suggests, CSOs occupy positions in a field and interact according to field specific rules (see Bourdieu 1985, 1989, 1993).

The field specifically reflects the 'schemes of perception and appreciation of practices, cognitive and evaluative structures which are acquired through the lasting experience of a social position' (Bourdieu 1989, 12). As such, through its experience of engaging with and knowledge of ASEAN, CSIS complies with the dominant practice in the field and projects a distinct image of being a supportive agent to the Association as the basis of its symbolic power in the field. Against overarching Southeast Asian diplomatic practices in upholding the ASEAN *doxa*, CSIS learned the primacy of gaining close connection with elites in the region and the Association's great respect for any actor who can bring consensus among all member states (Wanandi 2012, 137; see also how this relates to the ASEAN *doxa* in Chapter III). This in turn solidified CSIS's belief of its power relations in the region and its capability to influence

human rights norms in ASEAN will depend upon its ability to be a supporter in providing new ideas that can captivate and gather consensus in the region.

CSIS power relations in ASEAN

As established in Chapter II, we need to understand that certain CSO's power does not exist in a vacuum. Instead, it should be understood through relationships with other political actors. In fact, CSOs' power often depends on how other political actors in the field recognise their existence and regard their suggestions. This very context resonates with the logic of symbolic power, a concept denoting the reputation of a certain political actor from material or symbolic exchanges of attribution based on predominant norms in the field (Bourdieu 1993, 7; see also Bourdieu 1989). The late Hadi Soesastro seemingly shared a similar concern as he reflected on CSIS' experience in dealing with ASEAN, arguing that '[CSIS]' reputation today is more that of an institution producing objective and relevant research and information, especially [as it needs to care for] the changing public perception towards CSIS' (Soesastro 1991, 131). This denotes that in encountering the dominant practice of the ASEAN *doxa*, such as how Southeast Asian elites value actors who can provide well-researched and appealing proposals for solving regional problems, CSIS not only focuses on the objective quality of its research, but also realise how subjective views of other actors about its proposals support 'recognition' of CSIS. This narrative is apparent in CSIS' power relations with other actors in the field of ASEAN.

Specifically, CSIS demonstrates two important features relating to the source of its symbolic power in the field ASEAN: first, the quality of being up to date with scholarly knowledge and trends occurring within the region as well as closely connected with ASEAN elites; and second, the superiority as a trusted supporter in providing palatable ideas to the Indonesian government and the Association. These two features assist CSIS' influence in socialising new norms to ASEAN, including human rights. The *first* element of building

recognition as being up to date and closely connected with ASEAN allows CSIS to closely sense their needs and moods for reforming ASEAN, choose the best time to provide novel ideas which have been diffused with new norms like human rights. Moreover, learning that Indonesia can be regarded as the *de facto* leader of ASEAN, CSIS firstly focused on socialising human rights norms to the Indonesian government officials, ensuring the trust and recognition from the Indonesian government about its intellectual expertise. Subsequently, CSIS supported the Indonesian government to push the norms in ASEAN (as discussed in Chapter V). According to a senior researcher at CSIS (interview participant B02 2016 [translated except for italics]),

We see [Indonesia] as the *natural leader* in ASEAN; and we see the people's view of the [existing human rights] problems as ASEAN's *achilles heels* as a signal of [Indonesia's] weak *leadership* in ASEAN. However, we alone cannot solve this problem. We need to *support* the Indonesian government to promote democracy and human rights as it signifies not only as one of its national interests, but also its source of *soft power*.

Here, CSIS' practical knowledge derived from experience and understanding of the longstanding regional *doxa* shows a 'feel for the game' that cannot be reduced to formal rules, signalling a distinct expertise in engaging with other political actors within the field of ASEAN.

Moreover, the quality of being closely connected with ASEAN is projected through some of CSIS' strategies. CSIS has been trying to preserve close relations with the Indonesian government and ASEAN during both the Suharto and *Reformasi* era, especially in being a nimble-witted knowledge producer. One of CSIS' prominent researchers (interview participant B01 2016 [translated, except for italics]) elaborates this in his explanation of how CSIS tried to maintain good connection with the Indonesian government and ASEAN as well as swiftly response to Jakarta's strategic thinking on regional issues.

[The end of Cold War] was the moment when the government considered the establishment of the [Indonesian] National Commission of Human Rights in 1992; and Hassan Wirajuda led the process. We at that time also had a close relationship with him. Thus, [we know that] the spirit [of pushing human rights norms] was not only from CSIS, but there was also an *opening* from the government side about the importance of human rights and institutionalising its mechanisms at both Indonesia and ASEAN levels.

It is essential to note that through its close connection with ASEAN elite circles, CSIS can build its symbolic power and have more substantive interactions. CSIS has often tried to identify intellectually oriented Indonesian MOFA senior diplomats and invite them to be senior fellows at CSIS. Within this process, CSIS can both boost its recognition from the Indonesian MOFA and ASEAN as well as gain research partners and idea collaborators. One example was Ambassador Wiryono Sastrohandoyo, a former director of political affairs in the Indonesian MOFA. CSIS collaborated with Sastrohandoyo on producing some policy proposals on security and human rights issues, such as proposals for peacekeeping, disarmament, and reintegration for post-conflict conditions. These issues '*fitted nicely* with CSIS' research concerns [in adapting to the] condition in [Indonesia], especially during the democratisation process' (interview participant B01 2016 [translated except for italics]). Similarly, Sastrohandoyo was also concerned about ASEAN. He authored the Indonesian MOFA's research report which reviewed the ASEAN Vision 2020 and explored the need for Indonesia to further push ASEAN reform. This signalled the success of CSIS in building and manifesting its symbolic power to the Indonesian government and ASEAN officials, particularly in maintaining recognition as a trusted supporter to provide norms and ideas for regional reform. In fact, Sastrohandoyo (2001, 18) alludes to the role of think-tanks in arguing that 'ASEAN should also consider ways of strengthening the role ... of NGOs as well as the academe and civil organisations in policy development and in carrying out activities in regional political, economic and social development'.

Nevertheless, while scholars praise think-tanks in the region, such as CSIS, in being an 'honest broker' to provide 'middle ground' for regional actors to discuss and ponder any norms without fear of public exposure, it is important to also note that this recognition can only be effective as it relates to existing practices of respecting the ASEAN *doxa* (cf. Stone 2000, 2011). One of well-known ASEAN scholars (interview participant E06 2016 [translated except

for italics]) illustrates the complexity of the existing regional mechanism and the narrow opportunity which CSOs have to shape the ASEAN agenda.

[it is important to understand that ASEAN] is [still a] *purely intergovernmental organisation* as many organisations which have close relations to ASEAN still have to struggle in advancing their agenda in the region. The only way to influence is if your organisation [has the knowledge and] can suggest technical matters, such as how your advocacy agenda can answer ASEAN's problems.

This signals that the dominant ASEAN *doxa* implies a very limited space for change in the field of ASEAN and thus recognition, such as official affiliation, will only be given to actors who can both provide new ideas for reform and respect the ASEAN *doxa*. An understanding of this context is well demonstrated by CSIS. From the point of view of CSIS researchers, it is important to be well aware of the ASEAN *doxa*, including recognising the importance of having both technical knowledge and the appropriate way to submit ideas or policy proposals. In other words, CSIS realises the need to be immersed in the existing mechanisms and acts in accordance (or at least in conflict aversion) with prevailing regional *doxa* in order to socialise human rights to the Indonesian government and ASEAN.

The *second* feature of CSIS' power relations with the Indonesian government and ASEAN is based on its superiority over other Indonesian CSOs. Realising how ASEAN often highly respects any political actors who can put forward ideas for not only solving regional problems but also maintain consensus among all member states, the claim of being a knowledge expert may boost its capability to influence ASEAN. Specifically, CSIS utilises the claim of being a legitimate member of the intellectual-epistemic community in the region to boost its symbolic power in the field of ASEAN. While Haas (1992, 3) elaborates the epistemic community as a 'network of professionals with recognised expertise and competence in a particular domain', this label certainly creates boundaries for its members and collective prestige that they can utilise to influence decision makers (see also Adler and Haas 1992; Risse 2000; Leander 2005). CSIS is distinguished from other Indo CSOs through this recognition,

often conferred via its inclusion as one of the notable members of the ‘Track II’ diplomacy in ASEAN. This accentuates its position in the field and its power vis à vis the Indonesian government and ASEAN.

In its practical strategy, CSIS utilises certain terms for amplifying its symbolic power in two ways. First, the use of ‘Track II’ and ‘officially affiliated CSOs’ with ASEAN is manifested in emphasising CSIS’ leading role in promoting a network of think-tanks in ASEAN. This specifically manifests in the narratives of CSIS’ role in ASEAN-Institutes of Strategic and International Studies (ASEAN-ISIS) (and ASEAN People’s Assembly as one of its projects) which supports the claim of being a recognised provider of innovative ideas for ASEAN (Stone 2000; Kasumata 2003; Gerard 2014b). In the previous chapter, we saw that ASEAN-ISIS symbolises the eminence of ‘Track II in Southeast Asia’ and notable CSOs’ voices in ASEAN (Kraft 2000, 345; see also Soesastro, Joewono, and Hernandez 2006a; Capie 2010). But for CSIS, the ASEAN-ISIS network matters more. ASEAN-ISIS is an important platform for CSIS to meet and get input from other ASEAN-ISIS members, probing wider actors’ susceptibility to its ideas. As it may receive criticism and comments from other ASEAN-ISIS members, CSIS can revise its policy proposals and be more ‘creative’ in drafting and presenting its human rights-infused proposals to ASEAN (interview participant B01 2016 [translated]).

Moreover, its status of being a member of ASEAN-ISIS also signifies CSIS’ achievement in gathering other supportive CSOs in the region to create an officially recognised catalytic vehicle for scholarly exchange and movement of ideas from knowledge producers to decision makers in ASEAN (Soesastro, Joewono, and Hernandez 2006a; see also Chapter IV). Within this context, CSIS seemingly emphasises its role as a support system to existing dominant diplomatic practices of the ASEAN *doxa* and offers an alternative diplomatic route when progress in Track I has stalled, or become dormant (see Ball, Milner, and Taylor 2006).

And as a result, CSIS can boost its credentials and symbolic power in the field of ASEAN, allowing it to engage with Southeast Asian elites and provide human rights-infused proposal to them. One of CSIS' senior researchers (interview participant B01 2016 [translated except for italics]) notes that

CSIS belongs to the civil society movement that sees the importance of human rights mechanism in ASEAN. [In this regard,] CSIS was a sort of the leader within the ASEAN-ISIS and its colloquium series [on human rights] since 1992; and there is a high possibility that the idea [of endorsing human rights norms] was coming from, or at least being endorsed by CSIS.

Second, while often using the category 'Track II' to gain recognition as a trusted supporter, CSIS also actively utilises the narrative of being the 'bridge' between Indonesian CSOs and ASEAN as the other basis for amplifying its symbolic power in the field of ASEAN. Specifically, CSIS often uses the context of the ASEAN *doxa*, particularly the need to build consensus and acknowledge the sensitivity of human rights issues in ASEAN, as an important underlying structure which leads wide ranging actors to access ASEAN's regional mechanism. CSIS, as an effective member of Track II, emphasises its role as an active human rights norms promoter and mediator between other Indonesian CSOs (associated with Track III actors) and the Indonesian government, such as through the ASEAN Peoples' Assembly (APA), and the HRWG-led dialogue forum for ASEAN governments and Indonesian CSOs on human rights. According to a senior researcher at CSIS (interview participant B02 2016 [translated]):

As the issue of human rights is still regarded as one of the very sensitive matters in ASEAN because it is often associated as an entry point for [harsh foreign] interventions, CSIS always tries to be the 'bridge'. We not only understand well 'the language' of the government, but also understand 'the language' of CSOs including the agenda and their interests. Hence, we can be an effective bridge [for them].

Being both a well-connected expert and a fine facilitator in connecting with more diverse CSOS certainly confer CSIS with more symbolic power in relation to other actors in the field of ASEAN. For example, the efficacy of its power relations as both a member of supportive Track II and as a bridge with other CSOs in the region constitutes recognition from

ASEAN member states (still the most important actors in the field of ASEAN) and other Indonesian CSOs. The 26th AMM joint Communiqué in 1996, for instance, explicitly stated that ‘ASEAN noted with satisfaction the closer cooperative relations between ASEAN and ... ASEAN-ISIS’ as it ‘continued to provide ASEAN with useful ideas and proposals’ (ASEAN 1996). Moreover, in light of the Eminent Persons Group (EPG) preparing its input for the ASEAN Charter, the 39th AMM in 2006 also commended a ‘consultative and inclusive approach in engaging all pertinent stakeholders in ASEAN, including meetings with representatives of ... ASEAN-ISIS ...; we reiterated our support for the EPG to continue to “think out of the box” and explore all bold and visionary ideas’ (ASEAN 2006). This certainly marked the longstanding acknowledgement of CSIS and its involvement in ASEAN-ISIS network as one of the trusted supportive CSOs in the region. In addition, a prominent ASEAN analyst who was involved in the initial APA meetings (interview participant E10 2016 [translated]) recognises CSIS’ symbolic power as a facilitator for wider CSOs to share their concerns on ASEAN.

We know there was a series of conferences on non-traditional security [i.e. APA] and CSIS was the focal point in Indonesia. It was the chance for wider CSOs [in the region]. In targeting non-governmental [actors], the forum [facilitates] them to meet and voice their concerns. Hence, [this forum] can be more open than [ASEAN formal] forums for its member states.

Both acknowledgements underline the impact of CSIS’ power relations with other political actors within the field of ASEAN, particularly regarding its emphasis in building networks of expertise via ASEAN-ISIS, providing supportive assistance to ASEAN, and being the facilitator for wider CSOs to voice their concerns to ASEAN. Further analysis of CSIS’ power and limitation in influencing human rights institutionalisation in ASEAN will be elaborated in the next subsection.

From intellectual expert to acquiescence in ASEAN's doxa

Against the backdrop of its symbolic power, CSIS can be deemed as signifying the role of supporting actor to the Indonesia government and ASEAN, particularly in order to gradually induce regional transformation. This is certainly in line with CSIS' main concern in always emphasising its ability to demonstrate its 'intellectual quality' in producing powerful ideas to ASEAN (interview participant B01 2016 [translated]). As it acknowledges the nature of ASEAN mechanisms as elitist and intricate, CSIS' norms socialisation necessitates convincing recognition, which symbolise its capacity and commitment as a true supporter of ASEAN.

Indeed, remaining updated and closely connected with ASEAN has a strong impact on CSIS' power relations with ASEAN and its ability to introduce human rights norms in the region. In understanding the dominant *doxa* and the expected behaviours in the region, CSIS gained more opportunities to contribute to ASEAN institutional progress and norm dynamics. One of the high-ranking diplomats in the Indonesian MOFA (interview participant A07 2016 [translated except for italics]) illustrates this view:

At the Indonesian MOFA ... we widely open our door for any human rights activists. They can interact with AICHR and us, or even meet with the Foreign Minister, at the working level. We are often *not necessarily* having a *fixed idea*. Thus, receiving input from CSOs is important to support us. However, when we move into the ASEAN process, there are *rules of the game* that we need to obey. That is why we need to be creative [and expect ideas from the CSOs]. When we discuss issues like human rights we will not push it in a formal way; we need to demonstrate our creativity, such as through dialogue and being a volunteer in opening ourselves to discussing our human rights practices. As such, we expect the ideas that we *put forward* to push human rights do not agitate others.

Although not clearly mentioning CSIS, this statement signify how the Indonesian government officials regard certain CSOs which can support Jakarta with creative ideas that can be accepted by other ASEAN member states.

Against the abovementioned context, the Indonesian government recognised CSIS' symbolic power. In fact, most senior diplomats at the Indonesian MOFA acknowledge CSIS' power relations with other actors in the field of ASEAN as a trusted supportive Indonesian

CSO. An example is how CSIS has ‘been decisive in getting human rights into the ASEAN Charter’ (Dosch 2008b, 85). In doing so, CSIS discussed this idea with the Indonesian government and engaged in ASEAN-ISIS to gather consensus and collaborative action in giving advice to the EPG on the ASEAN Charter (Sukma 2006; see also Chapter V). Similarly, Indonesian government officials often respond to CSIS’ ideas/norms suggestions and regard them as reliable ideas for the Indonesian position in the ASEAN Charter. A senior diplomat from the Indonesian MOFA (interview participant A04 2016 [translated except for italics]) illustrates the difficulty in getting trustworthy experts’ suggestions around the time of Charter drafting in 2007.

We realised that it is crucial to increase the CSOs’ interactions with ASEAN. However, I personally find that ... organisations with good understanding of [ASEAN] are very limited in Indonesia. Hence, *we prefer to* [engage with] CSIS, as it is the organisation that started [the pattern of CSOs’ support to ASEAN]. I remembered when we discussed what we could expect in the ASEAN Charter, we tried to *talk to* [a wide range of] think-tanks and CSOs for getting new and different perspectives. Yet, *we could not find them. It was very difficult* [to find a partner]. I guessed there were scepticisms among CSOs, so they were not interested in ASEAN. Certainly, since the beginning, ASEAN’s approach is always evolutionary When they do not all feel comfortable, then they are not going to proceed with the proposed idea; [and it is difficult to find reliable] experts to support us in this.

This reflects how the Indonesian government, through a series of interactions, associated CSIS with the quality of being not only an intellectual expert but also an actor who understands the ASEAN *doxa* and the process of norms socialisation. Eight out of ten Indonesian senior diplomats, that I have interviewed, emphasise the need for the Indonesian government to discuss with CSOs to solicit new ideas and note CSIS, with varying degrees of appreciation, for its ability to suggest a novel proposal to ASEAN. One of the high-ranking diplomats in the Indonesian MOFA (interview participant A08 2016 [translated]) suggests that ASEAN mechanisms often expected agile ‘negotiating skills’ and palatable ideas for all ASEAN member states. At this juncture, CSOs’ innovative proposals for supporting the Indonesian government in ASEAN were highly appreciated.

Nevertheless, the abovementioned context has also created a distinct implication. In emphasising its symbolic power as a supporter of ASEAN, CSIS often accepted the dominance of the existing ASEAN *doxa* and its common practices in the region, such as watering down, even rejecting, its proposals that can be deemed to be too sensitive. Since the early era of ASEAN, CSIS (1975, x) realised that:

Southeast Asia is well known for its ethnic, cultural and political heterogeneity, and any organisation that aims to encompass most of the region in the scope of its activities necessarily confronts the challenges inherent in this diversity. However, ASEAN is not intended as a model for regional unity, but rather as a medium for the achievement of cooperation in areas of common regional significance.

This signifies how CSIS acknowledges that consensus through consultative, gradual and non-contentious reform is the *sine qua non* of successful progress in ASEAN. Even as ASEAN changed in the post-Cold War period, CSIS still sees a strong preference on the part of ASEAN for maintaining such *doxa*. Wanandi (quoted in Tan 2013b, 108) reaffirms this view through his observation of ASEAN's expanding membership, which demonstrates how ASEAN put so much interest in socialising Cambodia, Laos and Myanmar about its 'tolerance, consensus and political culture'. Accordingly, in order to maintain its power relations and keep providing suggestion regarding ASEAN process, CSIS ensures the viability of its ideas by carefully discussing them with key potential allies within the Indonesian MOFA and ASEAN-ISIS; yet at the same time, CSIS positions itself to be ready for the diluting process of its ideas and normative suggestions, reflexively countenancing its human rights socialisation in accordance with the existing hegemonic predisposition of the ASEAN *doxa*.

The impact of the abovementioned context was felt among Indonesian government officials. Not all Indonesian senior diplomats were satisfied with CSIS' effort in suggesting human rights norms in the region. One of former senior diplomats from the Indonesian MOFA (interview participant A01 2016 [translated except for italics]) argues that

CSIS has gained the knowledge of ASEAN's habit for more than thirty-five years, including the primacy of *consensus* and keeping *harmonious relationship* [among all

member countries]. In that regard it learned the maxim of ‘do not introduce any sensitive issue that may *divide* ASEAN’; [and since human rights issues] are *dividing* ASEAN, [CSIS] did not [fervently and bluntly] *endorse* it. I was surprised [in seeing such risk-aversion]. I, as the Minister, wanted to push further but [CSIS] was not responsive enough. I knew that it was probably reasonable on some aspect, especially with regard to the existing ASEAN measures that were based on *consensus* and *harmonious relationship* as well as the maxim of do not introduce controversial issues.

This certainly reflected how CSIS had been recognised as one of the supportive agent in pushing for regional reform, yet at the same time, it has also been prone to overly complying with the dominant *doxa* instead of strictly committing for ASEAN reform.

Nevertheless, while seemingly respecting the ASEAN *doxa*, this does not mean that CSIS always happily accepts ASEAN’s watering down process. CSIS also sometimes criticises ASEAN. For example, CSIS, one of the primary supporters of EPG’s consultation process in formulating the input of ASEAN Charter, was reportedly ‘deeply unhappy with the results of the consultations’ as some of its suggestions could not be accommodated by ASEAN ministers (Capie 2010, 300). However, CSIS rarely generated harsh criticism towards the Indonesian government and ASEAN.

Despite concerns over CSIS’ relative reluctance to harshly criticise ASEAN, it is important to understand that practices of maintaining the ASEAN *doxa* are well apparent in almost all diplomatic practices in the region, including in the experience of the Indonesian government in ASEAN as seen in Chapter III’s discussion of Indonesia’s accommodation to the dominant ASEAN *doxa*. In fact, the more democratic member states, including Indonesia, often have to accept the need to comply with the existing ASEAN *doxa*. With the full knowledge of this context, CSIS often faced a similar dilemma. In her reflection on CSIS’ approach to ASEAN during the preparation of the ASEAN Charter and ASEAN Human Rights Declaration (AHRD), a senior researcher at CSIS (interview participant B02 2016 [translated, emphasis added]) recalls that ‘we were actually also criticising the [Indonesian] government so [ASEAN] would not depart from the Universal Declaration of Human Rights; however, *we*

all know that ASEAN's politics are like that'. This certainly indicates the CSIS' recognition of the dominant *doxa* and its normative position in the field. For CSIS, ASEAN's *doxa* is too dominant to be fully and openly opposed. Hence, in pushing for the institutionalisation of human right norms in ASEAN, it is still important to accept the existing *doxa* and find a way around such dominating structure for incremental transformation, such as socialising new norms through appealing narratives.

As a social field is generally understood as the 'locus of struggles', survivability of a certain political actor often depends on how it navigates around dominant *doxa* in the field (Bourdieu 1975, 19). For CSIS, the deeper knowledge of regional *doxa* and the commitment to being a supportive agent has proven to be beneficial for its survivability in field of ASEAN and its power in shaping the progress of human rights institutionalisation in the region. However, the social field of ASEAN is not always constant. CSIS has also realised there will be struggles among actors within the field, particularly along with the widening involvement of CSOs in the region. One of well-known ASEAN scholars (interview participant E06 2016 [translated except for italics]) suggests that CSOs will face 'fierce competition', especially as the Indonesian government and ASEAN think that '*regardless [of] who you are, as long as you have [positive] standing in the region, they will listen*'. Thus, it is important for CSIS to maintain its prominence over other CSOs. A senior researcher at CSIS (interview participant B01 2016 [translated except for italics]) illustrates that,

We cannot say that we are being heard more than others; but our relationship with several government agencies, especially with the Indonesian MOFA, is very good. This is because we have been doing good research on foreign policy for a quite long time. However, we now know that there are other institutions that maintain good relationships with the Indonesian MOFA. For us, competition will be good ..., but we know that we have a clear upper hand in terms of networks.

Indeed, CSIS's feature of maintaining its superiority as a better problem solver than that of any other CSOs is closely linked to the narrative of being one of the prominent actors within the Track II network. Interestingly, at the same time, this illustrates the hierarchy

between Track II and other tracks (e.g. Track III as the cluster for the remaining Indonesian CSOs which are not think-tanks). While the concept of multi-track diplomacy is intended to categorise non-state actors' engagement into equally parallel groupings instead of hierarchical classifications, the implication of CSIS' use of this concept shows a non-equal map of political actors in ASEAN (Diamond and McDonald 1996; see also Montville 1991). By narrating the existence of a different category between CSIS as Track II and other Indonesian CSOs as Track III, CSIS positions itself as having a superior position over other CSOs, especially through the claim of how Track II has a better understanding of the ASEAN *doxa* and a greater ability to communicate such intricate *doxa* to other CSOs. One of CSIS' senior researchers (interview participant B02 2016 [translated except for italics]) exemplifies that,

We want to push other CSOs to become mature organisations, especially in terms of how they do not have to always criticise the government's policy without doing proper research on it. Certainly, we know that the government has its own interest; and we as a think-tank need not to defend the government's policy but to *empower* other CSOs to learn the context of why the government decided to make such regulations. We together with other CSOs can discuss this in a forum; and we as an independent think-tank have an advantage as having a close relationship with the government and at the same time we have close relationships with other CSOs.

Indeed, as its power relations with ASEAN are based on its intellectual and networking prowess in supporting ASEAN, CSIS can be viewed as socialising new norms that may incrementally alter ASEAN's process on reforming its regional mechanisms while also maintaining the practice of compelling all CSOs to abide by the existing ASEAN *doxa*.

Power of popular resistance: KontraS

For some observers, the rapid proliferation of CSOs since the 1990s marked a new era in the history of the Indonesian civil society movement, especially along with Suharto's diminishing power (Hadiwinata 2003, 206; see also Suharko 2003; Uhlin 1997). This was an essential phase for the historical development of Indonesian CSOs' advocacy, including critical Indonesian

CSOs like KontraS. In fact, when it eventually engaged with ASEAN after the widening the political space for CSOs in 2000s, KontraS maintained its critical approach to the Association.

Indeed, power does not reside in isolation but ‘stems from particular relations in which abilities are actualised’ (Guzzini 2009, 7). Thus, a particular CSO’s power should be understood in relational and situational context. In the case of KontraS, its practice of socialising human rights norms in the region through a series of critical public campaigns and regional advocacy reflects a distinct logic of power relations with other actors in the field of ASEAN. Through such critical activities, KontraS’ created a different symbolic power from other Indonesian CSOs, emphasising a normative ideal of being persistent in pushing for the full adoption of universal human rights norms into its mechanisms and acting against the dominating ASEAN *doxa*. In doing so we can see the link between its symbolic power and KontraS’ critical actions as a pressure mechanism for altering and influencing the Indonesian government and ASEAN from retaining illiberal political governance to adopting human rights norms.

KontraS’ power relations in ASEAN

According to one of KontraS’ senior activists, despite emphasising its role as a ‘national-based CSO’ in Indonesia, KontraS sees the necessity of focusing on ‘not only advocating to the Indonesian government, but also targeting international platforms’ in advocating for human rights norms (interview participant C02 2016 [translated]). This context certainly relates to the interconnectedness of government practices in the region as well as the established sense of support among Southeast Asian states, including human rights problems. As a result, in advocating human rights protection in the region, KontraS believes in the need to engage wider actors and counter the dominating practice of ASEAN in being permissive and sluggish in dealing with human rights issues.

In order to shape the institutionalisation of human rights in the region, KontraS believes the need to get the Indonesian government's and ASEAN's recognition for being an unwavering critic of the weak human rights protection in the region. This, signifies the basis of KontraS' symbolic power. At the practical level, it is manifested in pursuing two essential recognition goals, namely being the gatherer of legitimate public pressure and distinguishing itself from other CSOs as a non-conformist actor in representing grassroots' human rights concerns. In doing so, KontraS signifies that its symbolic power is generated from a narrative of acting against the dominant *doxa* in its engagement with ASEAN; and accordingly, KontraS expects the Indonesian government and ASEAN to feel compelled to respond to its critical pressure and demands.

The first feature of KontraS' power relations relates to its ability to build distinct credibility as a notable Indonesian CSO which challenges hegemonic authority. As symbolic power emphasises the logic that the capability to influence is 'granted to those who have obtained sufficient recognition to be in a position to impose recognition', it is important for KontraS to project a bold image to the Indonesian government and ASEAN, aspiring to create a stark contrast to the existing field of ASEAN (Bourdieu 1989, 23). Being able to mobilise public pressure on the Indonesian government and ASEAN is by no means a mere impulsive action. Instead, it reflects KontraS's view that when member states uphold the dominant *doxa*, this can be hampering the meaningful progress of human rights protection in the region. KontraS argues that the state will only pay attention and take action after being heavily criticised and hence compelled to do so by sheer public pressure; and within this context, a 'true' CSO should be the avant-garde in gathering such political pressure. One of KontraS' former coordinators (interview participant C01 2016 [translated except for italics]) notes:

In the context of ASEAN where most of its member countries [are still not committed to human rights], CSOs become important actors in pushing human rights. If we could not actively advocate in the [ASEAN] *people's forum*, there will be no grassroots'

voice. We truly understand that we should actively fill the political *space* in the region against [anti-human rights sentiments].

However, Bourdieu (1989, 23) also suggests that an actor's power depends on 'the degree to which the vision proposed is founded in reality'. This means each actor needs to project its symbolic power to the targeted field. As such, it is crucial for KontraS to ensure the viability of its existence by demanding ASEAN to adopt universal human rights norms and fully protect Southeast Asian citizens. In doing so, as we saw in the previous chapter, KontraS focuses on actively engaging in popular protests through its own initiative or through joint actions with its network of critical CSOs in Indonesia and in the region. One of KontraS' former coordinators (interview participant C04 2016 [translated]), illustrates how the organisation was inspired by how Latin American CSOs 'dealt with victims of enforced disappearance' and how they pushed the institutionalisation of this issue in the Inter-American Commission on Human Rights. Thus, as the Indonesian government and ASEAN signalled a gradual opening towards CSOs along with normative discussion about creating the so-called ASEAN Community and the proposal for an ASEAN Charter; KontraS swiftly responded and took the opportunity to engage with the Indonesian government and ASEAN in 'making sure that it would include [a] human rights mechanism' (interview participant C04 2016 [translated]).

At the practical level, KontraS often builds its symbolic power through giving public pressure towards ASEAN. One of the most striking examples of this is when KontraS fervently criticised the AHRD of 2012. As the initial preparation for the AHRD was 'marked by lack of transparency and civil society participation', KontraS sought to engage more with the Indonesian government (Uhlen 2016, 165). However, few CSOs had access within a virtually limited space, as ASEAN apparently demonstrated its reluctance to solicit wider input and its circumspection in ignoring extreme positions to gain consensus in ASEAN. KontraS, as the coordinator of the Southeast Asian CSOs' coalition in the Solidarity for Asian People's Advocacy (SAPA) Task Force on ASEAN, had sent 'four request letters in 2011 asking to

attend the ASEAN Human Rights Declaration drafting meetings or to be shown progress reports but [it has] yet to receive a reply' (*The Jakarta Post* 2012). This made KontraS push even further, especially in projecting a more critical position in hope of significant recognition. One of KontraS' former coordinators (interview participant C01 2016 [translated]) specifically illustrates how KontraS openly criticised the Indonesian government and ASEAN over the quality of human rights protection in AHRD.

We openly protested it, put in the media and sent an open letter [to the government]; [and after that the then Indonesian Foreign Minister] Marty [Natalegawa] invited us to meet and discuss Indeed, there are articles stating that [the concern for national security, cultural diversity, or the lack of development] cannot be used to defend internationally recognised human rights violations; but within its general principles, AHRD shall respect the principles of consensus and non-interference and this could be used as a shield against human rights intervention.

The abovementioned assessment is not without real evidences. Some articles of AHRD can be seen as contradictory and ambiguous, providing a basis for weak human rights protection in the region. While article 35 of the AHRD states 'lack of development may not be invoked to justify the violations of internationally recognised human rights', article 8 of the AHRD stipulates that 'the exercise of human rights and fundamental freedoms shall be subject only to ... meet the just requirement of national security, public order, ..., as well as the general welfare of the peoples' (ASEAN 2012).

KontraS' critical engagement approach signified its strong commitment to maintaining its normative position of always demanding the full adoption of universal human rights measures and fighting against the risk of supporting the practice of impunity in ASEAN (see KontraS 2014). This eventually created a distinct characterisation of KontraS, particularly how it stood out among other CSOs in the region. As a result, the Indonesian government and ASEAN often have to respond to KontraS' demand, such as allowing them to meet with senior officials in giving its input on ASEAN human rights matters.

KontraS' second essential feature of power relations within the field of ASEAN is its strong commitment to distinguishing itself from other CSOs, as a non-conformist actor in representing grassroots' human rights concerns. This element is definitely closely linked with the first element of KontraS' power relations with ASEAN. Yet, this feature is strongly projected by KontraS with a distinct narrative, not only targeting the Indonesian government and ASEAN, but other CSOs in Indonesia and the region. One of KontraS' former coordinators (interview participant C01 2016 [translated, emphasis added]) clearly illustrates KontraS' narrative of being a critical Indonesian CSO which serves as a basis for power relations with ASEAN.

We target all directions While other [civil society] organisations mostly focused on research and advocacy, like ELSAM which focuses on research and publication, INFID which focuses on research and public policy advocacy, or HRWG which focuses on international campaigns ..., we try to be comprehensive, particularly in being totally responsible to all aspects of [human rights issues]. No organisation also focuses on assisting victims. *The only human rights-focused CSO that assists human rights victims is KontraS.*

By declaring itself a CSO unequivocally committed to the grassroots and to victims of human rights abuse, KontraS strategically aims to distinguish itself from other Indonesian CSOs and thus strengthen its legitimacy as a critical CSO in the field of ASEAN. In fact, this narrative is often a part of how KontraS projects its normative commitments to other actors in the region as well as opposing the existing ASEAN *doxa*. A prominent activist from KontraS (interview participant C01 2016 [translated, emphasis added]) explicitly indicates this view.

The [Indonesian government officials] often said that they agreed with KontraS' input. However, they also said that we [the Indonesian people] should understand the challenges that Laos, Vietnam and Myanmar face and [appreciate how] these countries have also been gradually changing. Hearing these usual excuses, I responded [to the Indonesian government officials] that *we want to keep advocating [human rights] and [ASEAN] cannot ignore our request*. I emphasised that [Indonesia's] constitution stipulates [a good standard of] human rights protection and we cannot just follow others who have lower [level of protection...]. This is like we have become horses. Although we may be pony horses; but we cannot turn into donkeys when we meet donkeys.

This strong voice is a clear reflection of KontraS' unwavering normative position in engaging ASEAN. For KontraS, Indonesia's current achievement in institutionalising democracy and human rights protection in the *Reformasi* era is the result of arduous efforts from many actors, including critical CSOs like KontraS. And as such, in socialising human rights norms in the region, KontraS often emphasises the need for expanding similar human rights standards to ASEAN should not be negotiable. Other Indonesian CSOs might both criticise the lack of significant progress in institutionalising human rights norms in the region, but then engage more closely with ASEAN and tolerate the moderating demands to gain consensus in the region. However, KontraS commits to independently and critically upholding concerns for institutionalising universal human rights norms in engaging with the Indonesian government and ASEAN. For one of KontraS' senior activists (interview participant C03 2016, [translated except for italics]), 'keeping [a] safe distance and impartiality are essential for us in our advocacy, as the risk of tainting our *track record* and reputation is very high'.

In sustaining its symbolic power in the field of ASEAN, KontraS also gathers support for political pressure through the SAPA network and the ASEAN Civil Society Conference/ASEAN Peoples' Forum (ACSC/APF) as the most prominent collaborative mediums for critical CSOs in the region. Whereas other Indonesian CSOs may have an ambivalent relation with SAPA, KontraS focuses on maintaining and consolidating critical voices in the region via the network. Realising the limited free space in the existing ASEAN-ISIS-led forum for CSOs, KontraS joins and supports other critical CSOs in the SAPA network, especially in the SAPA Working Group on ASEAN, one of the task forces in the network, to organise ACSC/APF as an alternative conduit in gathering voices on ASEAN issues. Nesadurai notes that the SAPA network's advocacy is characterised by promoting an alternative regional project which constitutes a 'challenge to the dominant ASEAN framework of conservatism, illiberal political governance and neo-liberal economics' (Nesadurai 2012, 172; see also Lopa

2012; Gerard 2013). KontraS' active involvement in such a network serves as a strong basis to demonstrate its affiliation with critical CSOs in the region and boost KontraS' prominence in representing ACSC/APF voices.

Moreover, in coordinating critical voices and being openly blunt to the Indonesian government and AICHR, KontraS gains distinct recognition as a non-conformist actor in representing grassroots' human rights concerns, not only with the Indonesian government and ASEAN but among critical CSOs in the region. One of KontraS' former coordinators (interview participant C01 2016 [translated, emphasis added]) exemplifies the acknowledgement KontraS received from other CSOs in the region for its active role in supporting the consolidation of AHRD critics.

KontraS may be not well regarded or even is deliberately disregarded by ASEAN member states as an active actor which advocates [human rights norms] in the region. However, we are really appreciated by other CSOs in the region as a noteworthy actor that has the capability to closely work with other CSOs in the region to simultaneously *besiege* ASEAN in advocating human rights.

Despite ASEAN choosing to water down versions of AICHR's proposal of AHRD for the sake of gaining consensus among all member states, this clearly marked that KontraS was highly committed in both its normative identity and advocacy approach to adopting universal human rights norms as a non-negotiable principle.

Interestingly, while we might suggest that the Indonesian government and ASEAN ignore and regard KontraS as a less useful CSO in the region, Indonesian government officials recognised KontraS' distinct symbolic power and value its role in diplomatic relations between ASEAN member states, especially in human rights issues. The Indonesian government officials recognised KontraS as one of the most critical CSOs in Indonesia, particularly around the issue of demanding adoption of universal human rights standards in Indonesia and ASEAN, as well as real human rights protection for Southeast Asian citizens; and this recognition was well utilised during negotiations with other ASEAN member states. One of the prominent senior

diplomats in the Indonesian MOFA (interview participant A03 2016 [translated except for italics]) regards critical Indonesian CSOs, including KontraS, as an important element for his actions in the negotiation process in ASEAN. Specifically, he could utilise critical CSOs' pressure as a diplomatic strategy to amplify Indonesia's bargaining position in endorsing and socialising human rights and democracy in the region.

In the case of ASEAN, we [the Indonesian government and critical CSOs, like KontraS,] have a unified view. We want ASEAN to have similar standards of living, freedom and human rights protection with us. Nevertheless, although *we have the same feeling*, we may have different approaches. But their distinct approach can be an asset for us, especially during negotiation [in ASEAN]. Luckily, I am an *open* person. So if I met with critical CSOs, I can use them. I can say that you have pushed me and I cannot back down [from our initial negotiating position] because of them. [I can say during our negotiation that] *I cannot go back home because I will be killed by them*. I use it because I believe that *there is no bad idea or bad suggestion* In the case of Indonesia, we truly work together with CSOs to support the *human rights agenda* in ASEAN.

Countering the ASEAN *doxa*

KontraS' distinct power as a non-conformist CSO in representing grassroots' human rights concerns distinguishes itself from other Indonesian CSOs. While some Indonesian CSO tried to understand the practices of the ASEAN *doxa*, such as avoiding discussions on sensitive issues, practicing face saving diplomacy, and watering down new ideas or proposals for searching for the lowest common denominator among ASEAN member states, KontraS acts against these practices, exerting profound pressure on the Indonesian government and ASEAN to alter their cognitive perceptions and practices toward universal human rights norms.

In comparison with other Indonesian CSOs which often comply with the dominant *doxa* as the basis of their power relations with other actors in ASEAN, KontraS chooses a striking contrast. KontraS emphasises its normative identity in socialising human rights to ASEAN, namely, the primacy of fully adopting a universal human rights mechanism as non-negotiable and being critical of the Indonesian government and ASEAN over their slow progress and weak human rights protection. This emphasis is important for KontraS as the organisation believes

human rights norms are essential and must be unwaveringly advocated to the related authority. Rooted in how Gramscian tradition was often appropriated in explaining and supporting critical Indonesian CSOs' actions against Suharto's authoritarian regime, KontraS often signalled the belief of the importance of the grassroots' movement in launching counter-hegemonic projects against the state (and its related apparatuses, including regional organisations) and pressuring government to respect citizen's concerns (see also Fakihi 1996). One of KontraS' senior activists (interview participant C02 2016 [translated]) illustrates how KontraS elaborates the effectiveness of its symbolic power in socialising human rights norms and urging the Indonesian government and ASEAN to give human rights protection, such as with the case of its protest against the Indonesian Minister of Foreign Affairs in 2015 as elaborated earlier in Chapter V.

The government felt our pressure When we had our audience with [the Indonesian Foreign Minister,] Retno [Marsudi], it was tense For me, she felt the pressure ... and three days after it, the Indonesian MOFA sent us the letter appreciating our input. It might not be a full success story as it could not fulfil our entire goal, but at least the government really felt our pressure.

Through engagement with ASEAN, KontraS could make sense of the dominating *doxa* and its practices in the field of ASEAN. Despite different degrees of access to ASEAN internal mechanisms, especially in comparison with supportive CSOs like CSIS, KontraS exposed the diplomatic practice of ASEAN in dealing with the institutionalisation of human rights. During the AHRD discussion in 2012, for instance, KontraS actively coordinated a series of protests to the Indonesian government and ASEAN. While it could not get access to ASEAN, KontraS was granted access to meet with the Indonesian Foreign Minister and the Indonesian representative for AICHR. At the meeting, KontraS encountered the practice of the regional *doxa* in the form of the classical ASEAN diplomats' rhetoric of wishing everyone to see ASEAN's progress through the metaphor of the 'glass half full'. This rhetoric specifically implies that there are both achievements and hurdles in the process of institutionalising human

rights norms in the region; and instead of focusing on the lack of significant progress in member states' cognitive shifts in adopting human rights norms, ASEAN often asks all political entities in the region to appreciate small accomplishments in the formalisation of human rights in ASEAN, and to regard these achievements as an important step towards the institutionalisation of human rights. While this can be seen as a request to be optimistic about ASEAN's progress, this rhetoric signifies how the Indonesian government and ASEAN affirm the dominating *doxa* in ASEAN. One of KontraS' former coordinators (interview participant C01 2016 [translated, emphasis added]) rejected the use of this rhetoric during his audience with the Indonesian Foreign Minister and the Indonesian representative for AICHR on AHRD, arguing it masked ASEAN's failure in fully institutionalising human rights in the region, as follows:

[The Indonesian government and ASEAN] have their own diplomatic culture. The problem is when they meet other groups They said that we needed to consider this like in a 'glass ... which is half filled and half empty'. I replied to their comment with a statement that 'I am a human rights advocate and I do not understand the logic of half full and half empty' The representative for AICHR said] 'we have tried [several diplomatic strategies in achieving regional consensus on AHRD]; and if it is not now, when we will have it?' But for me, why do we have a car if it is only a broken one?

While other Indonesian CSOs may condone such rhetoric in ASEAN, KontraS' rejection of this logic clearly signifies its position as a non-conformist CSO in pushing universal human rights norms in the region. Instead of abiding by the predominant norms and behaviours as a means of gaining more meaningful engagement in the region, KontraS openly counteracts hegemonic *doxa*, creating a salient position in which Indonesian CSOs may be ardently critical of the existing practices of the conservative regime in ASEAN.

Indeed, among various CSOs' narratives in projecting their symbolic power in the region, we can see the struggle between Indonesian CSOs in influencing ASEAN. As a democratic country, the Indonesian government should respond to a wide range of CSOs' input on its official position on human rights issues. By sending a critical narrative, KontraS can apply pressure to the Indonesian government's position in ASEAN. Whereas supportive CSOs,

such as Track II, can be the conduit for contextualising human rights norms into the ASEAN elites' lexicon, there can be problems when members of Track II are not aware of the detail of human rights problems, particularly at the grassroots level. At this juncture, critical CSOs 'can [better] provide the transmission of knowledge' and voices from grassroots organisations as well as 'validate information' on the reality of the condition of human rights victims in the region (Anthony-Caballero, interview 2016). KontraS carefully realised this issue. One of KontraS' former coordinators (interview participant C04 2016 [translated]), notes how the Indonesian government recognised KontraS symbolic power as one of the most prominent critical Indonesian CSOs on regional issues.

We know if [the government] wants to discuss crucial issues and get input, it will informally go to CSIS as the first step. However, [the Indonesian MOFA's] next step is usually inviting us all to have a breakfast together [i.e. foreign policy breakfast] at the Pancasila building.

While the breakfast meetings may be a mundane activity, for KontraS, the Indonesian government's invitation to public consultation signals an important gesture, namely that the Indonesian government will always try to solicit KontraS as the representative of human rights-focused critical CSOs in Indonesia.

Nevertheless, as KontraS often criticises and vehemently campaigns against the existing ASEAN *doxa*, this results in estrangement from other political actors, especially member states. One of prominent ASEAN scholars (interview participant E04 2016) elucidates this logic.

[As these critical CSOs] tend to suffer from the government's discrimination, they just want the opportunity to air their grievances. But this defeats the purposes of having access to the leader. You [should] want to show yourself that you can be a constructive partner of the member government. You [should not] want to go and then criticise and humiliate a certain leader in a big meeting. It happened in the past actually Some [CSOs] just shouted and criticised [the government representatives] in the meeting, it made the whole meeting look very bad, very negative.

By openly opposing state sovereignty and pacific settlement of disputes, critical CSOs like KontraS are perceived with suspicion and resentment by ASEAN. Apart from democratic countries like Indonesia, which is more committed to opening up its political space towards active CSOs, not all ASEAN member states welcomed KontraS' and its advocacy efforts with other regional critical CSOs in the SAPA network. For example, not every ASEAN Summit allows the interface meeting with CSOs' representatives, as several countries like Cambodia, Myanmar, Laos and Vietnam still do not trust or well regard the role of non-state actors. In fact, there have been some instances of how ASEAN member states refused to recognise the ACSC as part of a legitimate gathering for CSOs and intervened in the forum. For example, the SAPA-organised ACSC in 2012 was forced to change its venue several times due to pressure from the Cambodian government as the host country (Drennan 2014; Gerard 2013, 2014b).

Ultimately, while KontraS has seemingly been able to project its symbolic power in coordinating pressure and distinguishing itself as a non-conformist, the Indonesian government and ASEAN have reacted with mixed responses. As elaborated earlier, some Indonesian senior diplomats respected KontraS' symbolic power and viewed the value of its critical engagement approach. However, other Indonesian diplomats and ASEAN officials still regarded KontraS sceptically, as it was deemed to have a detrimental effect on the progress of ASEAN's institutionalisation of human rights and maintenance of the existing ASEAN *doxa*.

Power of adaptive advocacy strategy: HRWG

While there is undoubtedly a surge of interest in Indonesian CSOs engaging with ASEAN after sensing the widening ASEAN political space for CSOs in the 2000s, most of these newcomers are generally critical CSOs established during Suharto's diminishing power in the 1990s and the early *Reformasi* era, such as KontraS and HRWG. Nevertheless, whereas both appear to be

in the same category as critical CSOs in Indonesia, KontraS and HRWG have demonstrated a different logic of symbolic power in their engagement with the Indonesian government and ASEAN. Specifically, HRWG evinces a distinct symbolic power in the field of ASEAN as an adaptive political entity.

As we saw in chapter V, HRWG was created during the *Reformasi* era and closely related with critical Indonesian CSOs. It began to focus on ASEAN in 2006, representing the interests of its affiliated critical Indonesian CSOs, like KontraS. In doing so, HRWG focused on building and projecting the quality of being critical of ASEAN through several actions, such as collaborating with other critical CSOs to fervently push the Indonesian government and ASEAN to respond to grassroots' complaints about human rights abuses, as well as generating protests and joint open letters demanding ASEAN adopt universal human rights standards. However, after gaining more knowledge about the dominating *doxa* in the field of ASEAN, HRWG realised that to successfully socialise new norms in ASEAN it needed to transform its normative identity and symbolic power, especially in gaining recognition and trust from Indonesian government and ASEAN.

In the context of HRWG, we can see how Indonesian CSOs can realise the importance of both anchoring in their normative position and building better power relations in the field of ASEAN. HRWG is still primarily a critical Indonesian CSO. Parallel to the shared belief between critical Indonesian CSOs of importance of representing grassroots' concerns to the state, HRWG is still strongly 'committed to pushing for universal human rights protection' in ASEAN (interview participant D01 2016 [translated]). However, without denying its identity as a critical Indonesian CSOs, HRWG certainly tries to build a different symbolic power than that of other critical Indonesian CSOs in order to gain better recognition from the Indonesian government and ASEAN. Having better access to and understanding of the dominating structure of the ASEAN *doxa*, HRWG represents an Indonesian CSOs that can have a moment

of agency in altering its political strategy of socialising human rights norms, signalling what I refer to as taking a position somewhere in the middle of the spectrum between critical and supportive approaches to ASEAN. This adds a new complexity to the overall map of Indonesian CSOs' engagement with ASEAN, especially as HRWG can be construed as creating a schism with other critical CSOs and seemingly aligning with supportive CSOs in socialising human rights norms in the region.

HRWG power relations in ASEAN

Interestingly, HRWG's power relations with the Indonesian government and ASEAN are dynamic. Similar to other critical Indonesian CSOs, HRWG was initially based on a normative ideal of criticising the state on its human rights protection record and tenaciously pushing for the full adoption of universal human rights norms. However, as it engaged more with ASEAN, HRWG altered the basis of its symbolic power from the emphasis on being a critical actor of the dominant *doxa* to being an adaptive actor to the field of ASEAN.

Created as a task force for advocating at the international level, HRWG initially committed to build a distinct form of power relations in the field of ASEAN, which emphasised a quality of being critical to ASEAN and true representation of human rights victims in the region. In doing so, HRWG demonstrated its critical engagement with the authority and collaborative actions with similar critical CSOs in global and regional levels. This clearly signalled the tradition of building 'boomerang' effect to ASEAN, where local CSOs connect with wider political actors beyond the national level in the hope of coordinating political pressure against the targeted authority (Collins 2008, 316-17; see also Keck and Sikkink 1998).

In its initial phase, HRWG demonstrated the above-mentioned advocacy strategy, particularly in mounting political pressure and building a network of critical CSOs in the region. This can be seen from its affiliation with the SAPA network as one of the leading

networks for critical CSOs in the region. In 2006, for instance, HRWG and other critical CSOs held a series of meetings under the umbrella of the SAPA network to provide civil society input to the Eminent Person Group (EPG) on the ASEAN Charter. HRWG consulted other critical Indonesian CSOs and gathered their concerns; and as a result, it supported several distinct aspirations of critical Indonesian CSOs established to represent human rights victims during the Suharto era, namely in pushing ASEAN to ‘recognise the unique role and rights of human rights defenders, including journalists’ and ‘harmonise existing instruments and norms with international norms and standards’ (SEACA 2007, 53).

Through collaboration with similar critical CSOs in Indonesia and the region through the SAPA network, HRWG met with the EPG on the ASEAN Charter in 2006 and strongly conveyed the need for ‘ASEAN to reaffirm human and people’s rights, a foundation for any community, articulating them in terms of *promotion and protection of human rights in accordance with the principles of universality, indivisibility, interdependence and interrelatedness*’ and for the ASEAN Charter to be ‘politically and legally binding and *enforceable in terms of providing remedies for victims*’ (SEACA 2007, 7, emphasis added; see also Chandra and Djamin 2007). Whereas other CSOs offered a subtler tone towards ASEAN and its mechanisms, such as how ASEAN-ISIS provided technical ideas and innovative policies on how a reformed ASEAN Charter would endorse human rights norms, HRWG represented a salient symbolic power as a non-conformist actor demanding the full implementation of universal human rights norms in ASEAN.

Nevertheless, as we have seen, HRWG then gained closer engagement with ASEAN through the involvement of its director, Rafendi Djamin, as the Indonesian representative to AICHR from 2009 to 2015. HRWG recognised two essential points of the dominant *doxa* in the region. First, HRWG was aware that consensus and equal respect of other countries are essential in the existence and relevance of ASEAN. As a result, any progress in human rights

issues in the region required full enthusiasm of member states in altering their normative beliefs on human rights. In reacting to such *doxa*, HRWG perceived ASEAN member states as potential allies within a complex web of normative interactions among political actors in the region. Second, HRWG also realised that ASEAN was not a simple organisation where entire member states demonstrated the same animosity against human rights norms. In doing so, it was of the view that HRWG could better engage and have more meaningful normative interactions with any potential ally in ASEAN, especially the Indonesian government, in socialising human rights norms to ASEAN. Moreover, HRWG also realised the need to understand the specificity of each member state's attitude to human rights issues. An activist from HRWG (interview participant D04 2016 [translated except for italics]) illustrates the logic of HRWG's advocacy and symbolic power projection, as follows:

We need to understand that ASEAN is a diverse group. This makes us, HRWG, realise that if we strongly push *civil* and *political rights* [in ASEAN], communist member states will not like it Nevertheless, we also understand that if we decide to always harshly push this we can lose member states' trust in the region and even risk the community building process If we are stuck with a dualistic logic [of friend or foe] and disregard the idea of searching for *common denominator*, we will only face the dilemma [and get nothing]. HRWG believes that the idea of human rights is always in line with democracy Hence, our homework is to share good experiences on democracy to the CSOs in undemocratic countries in ASEAN.

In acknowledging the differences among ASEAN member states, HRWG gradually departed from being always critical to the existing *doxa* in the region. Instead, it developed a new basis of its symbolic power, namely continuing to be a critical CSOs but with the ability to support ASEAN and understand its existing *doxa*. Whereas critical Indonesian CSOs often regarded the elitism of regional mechanism on human rights as ASEAN's pathology which should be resisted, HRWG reacted with much more optimism in being able to contribute more effectively in socialising human rights in ASEAN. One of HRWG's senior activists (interview participant D02 2016 [translated except for italics]), specifically elaborates HRWG's challenges and aspirations in order to adapt to ASEAN mechanisms.

We need *insights* from [the inside of ASEAN]. As HRWG had virtually no access to formal documentation of the ASEAN [internal meetings, Rafendi] could inform us through verbal information. In fact, he would not only update HRWG but also all CSOs Giving this update was crucial, especially as we had never had any formal update from ASEAN. We often do not know whether there is any *general comment* on [human rights issues in ASEAN], how the discussion goes, and what the nature of the [normative] debate is.

HRWG realised that just as critical Indonesian CSOs needed to voice grassroots' concerns, they also needed to understand ASEAN mechanisms and find a better strategy for advocacy, including in reconfiguring its power relations with other actors in the region and having meaningful normative interactions with ASEAN leaders on human rights issues.

Indeed, HRWG's moment of reflection of the dominant *doxa* and subsequent emphasis alteration of its symbolic power are unique, signalling a possibility of change in critical Indonesian CSOs' power relations with ASEAN. Instead of aligning with critical Indonesian CSOs' actions against the dominant regional *doxa*, HRWG saw the benefits of adapting to such *doxa*, signalling an opportunity to project more nuanced symbolic power in being slightly more supportive of the Indonesian government and ASEAN. HRWG altered its symbolic power from gaining the recognition as a critical political actor against the dominating *doxa* to gaining better trust from the Indonesian government and ASEAN as a supportive actor. One of HRWG's prominent activists (interview participant D02 2016 [translated except for italics]) illustrates this strategic move.

We see the government as our *partner* since the state is the [only entity] which has the *obligation* to execute policy. In human rights terms, we are the *rights holder* and we have the obligation to communicate our concern to the [state as the] *duty bearer*.

Nevertheless, while having differing power relations with ASEAN, this did not mean that HRWG would become a non-critical Indonesian CSO. Whereas since 2009 it had been gradually signalling a transformation to being a supportive actor in the field of ASEAN, HRWG has also tried to maintain the characteristic of being a critical Indonesian CSO, especially through the strategy of keeping connection with other critical CSOs at the national

level and regional forums. In 2011, for instance, although facilitating an informal dialogue between ASEAN and CSO representatives on human rights in the region with a supportive Indonesian CSO (i.e. CSIS), HRWG also coordinated with critical CSOs, like KontraS and Forum-Asia, in demanding Indonesia show ‘its willingness to broaden people’s participation in ASEAN policy making’ and ‘to ensure that [AHRD] became a sound instrument in line with universal human rights’ (KontraS 2011; cf. HRWG and CSIS 2012).

Nevertheless, while maintaining its networks with critical Indonesian CSOs, HRWG took a different advocacy approach from that of other critical Indonesian CSOs in socialising human rights to ASEAN. HRWG was eager to alter its strategy for advocacy, such as building closer informal connections with ASEAN officials, allowing its director, Rafendi Djamin, to be the Indonesian representative to AICHR, and trying to be a facilitator between ASEAN and wider CSOs in the region. In doing so, HRWG expected recognition from the Indonesian government and ASEAN, which might allow it to have much more intimate normative interactions on human rights issues. A senior activist of HRWG (interview participant D02 2016 [translated except for italics]) illustrates this context.

HRWG’s relationship with the Indonesian MOFA is relatively good. But this does not mean we cannot be critical This is basically a relationship between *state* and *non-state* actors [which resembles the connection between] people who voted for them and the elite who get the mandate in a democracy. Apart from this, we know that [having a good] *track record* [of engaging with the government] is indeed helping us to be able to ask other CSOs to join our meeting with the Indonesian MOFA.

Realising the dominant ASEAN *doxa*, such symbolic power projection can be deemed to be essential for a twofold purpose: to signal the existence of a potential ally among critical Indonesian CSOs, and to incentivise the Indonesian government and ASEAN in maintaining their willingness to solicit the views of not only think-tanks but also wider CSOs on human rights related issues. The response of HRWG’s symbolic power as an adaptive Indonesian CSO in the field of ASEAN will be elaborated in the next subsection.

Sleeping with the enemy

Although it was established as part and parcel of critical Indonesian CSOs' effort to advocate in the international arena, HRWG absorbed the experience of engaging with longstanding regional mechanisms and reconfigured its approach in building and projecting its symbolic power. HRWG eventually signified a quality of being an adaptive political actor to the field of ASEAN, especially in its effort to socialise human rights norms in the region. This in turn distinguished HRWG as one of the few critical Indonesian CSOs recognised by the Indonesian government and ASEAN.

Whereas its early period of engagement was filled with a critical attitude to the dominant *doxa* in the region, HRWG had a unique turning point around 2009. By reconciling its normative identity as a critical Indonesian CSO and the deeper understanding of how ASEAN uphold its *doxa*, HRWG could transform its symbolic power projection. Similar with the case of CSIS where it tried to strengthen its power relations with ASEAN by projecting a distinctive quality of being a trusted ally of ASEAN, HRWG signalled a more conciliatory tone compared to other critical Indonesian CSOs, aiming to gain positive recognition from the Indonesian government and ASEAN. One example of how HRWG has adapted in gaining better relationships with the Indonesian government and ASEAN was when HRWG designed and worked with other CSOs in the region during ACSC/APF in 2011 and CSOs' interface meeting with ASEAN leaders in 2011. For HRWG, it was clear that if CSOs 'want to create a transformation in ASEAN, [they] need to firstly approach the member states' (interview participant D02 2016 [translated]). As discussed in the previous chapter, HRWG helped ensure the success of the CSOs' interface meeting with ASEAN leaders. This, according to one of HRWG's senior activists (interview participant D01 2016 [translated]) reflected 'the usefulness' of the adaptive approach, especially as HRWG 'was accepted [by the Indonesian government and ASEAN] and it had [access to] dialogue with them'. Being asked 'to have

dialogue with [the Indonesian government and ASEAN meant that] *you gained trust*; and if you had [their] *trust, it was an achievement* (interview participant D01 2016 [translated except for italics]).

The abovementioned different reaction from the Indonesian government meant a distinct recognition for HRWG. In comparison to other critical Indonesian CSOs, HRWG's symbolic power projection as a non-think-tank entity that can be trusted in understanding dominant *doxa* within ASEAN signifies an appreciation from the Indonesian government of being a partner for dialogue with ASEAN. For the Indonesian MOFA, this is also an important chance to be informed more widely by CSOs, especially from non-think-tank entities, which may support the Indonesian government agenda in ASEAN. In fact, the Indonesian government regarded HRWG with a distinct recognition. Referring back to the early statement made by former Director General of ASEAN Cooperation from the Indonesian MOFA at the beginning of this chapter, HRWG can be deemed to be one of the *sof liners* among Indonesian CSOs; and in doing so, the Indonesian government engaged in much more informal and closer interaction in discussing Jakarta's position and ASEAN concerns on human rights. One of the high-ranking diplomats from the Indonesian MOFA (interview ParticipantA10 2016 [translated except for italics]) confirms the quality of engagement with HRWG, especially during the ACSC/APF 2011 when the Indonesian government planned a memorable milestone in regard to ASEAN's engagement with CSOs in the region via high level talks at the interface meeting.

I met and had discussion with CSOs at the Jakarta Convention Centre [as the venue for CSOs' interface meeting with ASEAN]. The goal [for the Indonesian MOFA and ASEAN] was to have an amicable dialogue. We were okay if CSOs from one or two countries walked out and did not send their representative. The rest of the eight countries can be still represented by their CSOs [and signified a support for ASEAN]. I talked with Rafendi and Yuyun [from HRWG about this concern] as well as others that at the same time we have to *make sure* the [ASEAN] leaders also felt *comfortable* [to meet with CSOs].

This signifies how HRWG could generate a shift in its power relations in the field of ASEAN, gradually becoming a trusted supporter of ASEAN.

Deviating from the typical critical Indonesian CSOs' symbolic power of emphasising the quality of being a challenger of ASEAN's hegemonic *doxa*, HRWG realised the need to be mindful of the dominant *doxa* in order to have better access to the Indonesian government and ASEAN, including in discussing human rights issues. In fact, in strategically working towards successful advocacy within ASEAN's highly restricted regime, HRWG apparently sent a mixed message. While criticising the lack of progress in human rights protection in the region in public, HRWG also asked other CSOs to acknowledge and work around the dominance of the existing *doxa* in advocating human rights norms in the region. This eventually created animosity among critical Indonesian CSOs themselves. One of KontraS' former coordinators (interview participant C01 2016 [translated]) shares his views on HRWG.

At the beginning people were appreciative and enthusiast about [the fact that Rafendi Djamin] was [one of the few AICHR] representatives who came from CSOs [i.e. HRWG]. Even the Indonesian government was proud of it We knew the obstacles within ASEAN, but Rafendi was not brave enough [to challenge those obstacles]. Because of that, I know for several years HRWG reluctantly criticised AICHR.

While HRWG's symbolic power projection generated recognition from the Indonesian government and ASEAN as being a useful and trusted Indonesian CSO, other critical CSOs gradually began to cast doubts on HRWG's credibility.

There are two salient points of view in the context of HRWG's symbolic power as an adaptive political actor in the field of ASEAN. For HRWG, ASEAN's existing *doxa* are seemingly too dominant to be overturned; and as such, CSOs need to carefully strategise the best way to engage ASEAN. Accordingly, while still often agreeing with critical CSOs' belief that 'governance [of ASEAN] is too important to leave to the state and the private sector', Indonesian CSOs, from HRWG's point of view, are expected to be adaptive to influence the Association, including playing by the rules, in order to gain a gradual and incremental change in ASEAN member states' cognitive processes regarding human rights norms (SEACA 2007,

6). One of well-known ASEAN scholars (interview participant E06 2016 [translate except for italics]) illustrates HRWG's adaptive approach to ASEAN.

CSOs' agendas are often being watered down so they cannot push a radical change in regional human rights issues ASEAN can actually reform [its human rights mechanism]. However, we can see the current AICHR has only the mandate of promoting but not protecting [human rights in the region]. Rafendi knew this while he was in the AICHR ...; he was a realistic guy, especially as I knew how he performed in a series of AICHR's meetings. This is very difficult because *you deal with* [other members] *that are picked by* [their authoritarian] *governments*.

However, for other critical Indonesian CSOs, the practice of acquiescing to the dominant ASEAN *doxa* and allowing its activists to hold positions in both government and civil society sectors signals concern. Even HRWG realised the implication of its power relations with the Indonesian government and ASEAN. One of HRWG's senior activists (interview participant D04 2016 [translated except for italics]) acknowledges this risk and explains the determination of HRWG in socialising human rights norms through playing with the dominant structures in the field of ASEAN.

The HRWG's line of thinking may be viewed by others as '*sleeping with the enemy*', but [for us] the idea of human rights is always about the states' obligation, especially in a democratic context where [CSOs] should advocate on substantial rights. We are truly concerned about the line of thinking which emphasises ... the importance of criticising the state [as the enemy of CSOs] but ignores the wider context of human rights. [We are different;] despite the concern over the case of forced disappearance in Laos [and many critical CSOs ban any engagement with such country], we still visit Laos [and talk to both local CSOs and the Laotian government]. For us human rights concerns are not only about forced disappearance and we should use ASEAN as an entrance for promoting [wider aspects of] human rights.

The abovementioned statement underlined how CSOs, with better knowledge on the existing dominant *doxa*, can find alternative strategies in socialising human rights norms. As previously elaborated in chapter V, through creating wider regional human rights awareness in the region and supporting other CSOs' capability on making better connections with ASEAN member states, HRWG signalled a distinct contribution in human rights dynamics, pushing further the discussion on regional human rights issues in the region.

While HRWG's adaptive attitude may indicate a breakthrough in CSOs' advocacy to ASEAN, it also signals increasingly complex relationships among actors in the field of ASEAN. In seemingly adjusting its normative identity and symbolic power, HRWG persuaded the Indonesian government and ASEAN to recognise that critical Indonesian CSOs can be supportive actors to progress ASEAN. According to one of the high-ranking diplomats from the Indonesian MOFA (interview ParticipantA04 2016 [translated except for italics])

[The differing and conflicting CSO narratives] are the reflection of the reality in our society. When we met [various Indonesian CSOs] at the ASEAN Peoples' Forum, we could agree on the [importance of human rights] agenda, yet the negotiation process [of reaching a unified message between various CSOs and the ASEAN] was tremendously difficult Specifically, in 2011 when Indonesia became the Chair of ASEAN ..., there was no guarantee that they can *come up with unified issues*. So, I met with CSIS, Habibie Centre, HRWG, ACWC and ASEAN Disability Forum in an [informal] dialogue and asked them to *mobilise your own people* Through such dialogue I can explain about what ASEAN would do and they can suggest the appropriate approach for us.

Nevertheless, the case of HRWG shows that being adaptive to ASEAN means a greater risk in becoming more deeply involved in the glacial process of ASEAN institutionalisation. As it has to respect the ASEAN *doxa*, an adaptive CSO, such as HRWG, needs to tolerate dominant ASEAN states' interests and the frequent watering down process of socialising human rights in the region.

Conclusion

In their efforts to socialise human rights norms to ASEAN, Indonesian CSOs evidently utilise various forms of engagement. Faced with the dominant ASEAN *doxa*, each Indonesian CSO has options ranging from being supportive to being critical in influencing the Indonesian government and ASEAN on regional human rights issues. This eventually depends on how each Indonesian CSO realises its normative identity and its vision to project symbolic power on other actors in the region, creating a wide range of CSO power relations in the field of ASEAN. However, due to various power relations within ASEAN, Indonesian CSOs are

complex and dispersed actors rather than being a single coherent entity in pushing the human rights agenda in ASEAN.

As symbolic power is constituted in real practices of how political actors recognise each other, it is essential to explore interactions among political actors in the region where Indonesian CSOs project and perform their normative positions in their relations with both ASEAN (and the Indonesian government as one of its member states) and other CSOs in the region. This in turn reveals the context of how each Indonesian CSO socialises human rights norms to ASEAN differently, ranging from being a supporter of ASEAN to being critical of ASEAN. And as a result, this shapes how Indonesian government officials and ASEAN react with various degrees of susceptibility to human rights norms.

Despite the unequivocal importance of human rights for almost all ASEAN-focused Indonesian CSOs in this study, the way in which each CSO projects its symbolic power in arguing for the importance of human rights signals increasing complexity. Specifically, for some CSOs, such as CSIS, their power relations with the Indonesian government and ASEAN are based on being an intellectual and networking hub in providing new ideas and policies for ASEAN reform. For them, gradual recalibration of and support for the dominant *doxa* are essential in gaining trust and access to the Indonesian government and ASEAN. For other CSOs, like KontraS, a normative position of critically voicing grassroots' human rights concerns needs to be kept and manifested. Accordingly, rather than fully abiding by the dominant ASEAN *doxa*, KontraS pursues political activities to compel ASEAN member states to alter their existing normative belief and fully adopt universal human rights standards. This certainly creates a strong sense of estrangement between KontraS and ASEAN; yet it also undoubtedly brings tactical pressure to the region. Moreover, other CSOs, such as HRWG, have reconfigured their power relations within the field of ASEAN. These CSOs found themselves gradually deviating from a critical narrative to adapting to the ASEAN *doxa*.

However, as this provides them the opportunity to supportively socialise human rights norms, these CSOs can be viewed as acquiescing to the dominance of ASEAN practices in moderating their efforts to institutionalise human rights in the region.

Chapter VII:

Conclusion

At the opening ceremony of the 19th ASEAN Summit in Bali, Indonesia, the President of Indonesia, Susilo Bambang Yudhoyono, called for better engagement with CSOs in ASEAN regionalism process. President Yudhoyono (2011) specifically noted that ‘the development of ASEAN Community must continue to involve all stakeholders in the region’ and ‘reducing the meaning of ASEAN Community by turning it into a mere association of governments of its member countries, or only emphasising the economic cooperation, despite its importance, would be a mistake’, underlying the value of the involvement of CSOs in pushing ASEAN reform, including in human rights issues. However, while increasingly showing the rhetoric of prioritising people and adopting human rights norms into its formal statements, ASEAN has been hesitant to provide universal human rights protection, signalling the lingering practice of the dominant *doxa* on preserving member states’ privileges and the mixed progress of the institutionalisation of human rights norms in the region.

As the final part of this thesis, this chapter reviews my research findings, provides some reflections on the nuanced understanding of ASEAN norm dynamics on human rights, and indicates future research direction. Central to this thesis is understanding the mixed progress in the institutionalisation of human rights in ASEAN, particularly answering the question of how civil society organisations (CSOs) engage with ASEAN in shaping the institutionalisation of human rights norms in the region. In responding this question, this thesis focuses on investigating the complexity of the existing pattern of the institutionalisation of human rights in the region as well as the complex relationships between CSOs and ASEAN through the case of Indonesia. It does this by examining three in case variations of Indonesian CSOs’ approaches to socialising human rights norms in ASEAN.

In this chapter I summarise the key findings from applying Bourdieu's field theory for enriching the existing constructivist IR analysis of ASEAN. In this part, I briefly elaborate how this thesis utilises Bourdieu-inspired constructivist IR analysis of the field of ASEAN, which results in the assessment of how the ASEAN *doxa* dominated the practice of human rights institutionalisation in the region, and the analysis of how Indonesian CSOs build their power relations with other actors in the region in socialising human rights norms to ASEAN. I then expand the thesis's analysis of the different Indonesian CSOs' power relations in the field of ASEAN, particularly their distinct implications for the Indonesia's political position on regional human rights issues and the weak human rights institutionalisation process in the region. Ultimately, after reviewing the implication of the complex pattern of Indonesian CSOs' efforts socialising human rights norms to ASEAN, I outline some opportunities for future research suggested by this study.

Research findings

Despite being designed as a minimalist regional regime, ASEAN interestingly agreed to gradually embrace and adopt human rights norms, culminating in the formal inclusion of human rights as one of the defining regional principles in the ASEAN Charter of 2007 and the ASEAN Human Rights Declaration (AHRD) of 2012. However, ASEAN regionalism is highly contingent upon the nature of existing normative beliefs and the dynamics of normative influence. Clearly, some scholars have contributed to the understanding of this dynamism. Acharya (2009b, 21-23), for instance, notably argues how ASEAN member states have evolved to assimilate foreign norms with their 'cognitive priors' in creating the shared regional norms that are often described as ASEAN norms; and Jetschke (2009, 2013) underlines the role of the European Union (EU) in diffusing new norms to ASEAN (see also Allison 2015). While acknowledging the contribution of these scholars, this thesis argues that their explorations have

often resulted in a simplified and linear picture of regional institutionalisation process and thus make them insufficient explanation of the detailed practices in ASEAN. They neither realise the complexity in adopting new norms in ASEAN nor the wider political actors that engage in the process, especially the existence of CSOs in the region.

Instead of following the established scholarly works that poses the risk of oversimplifying of the norm dynamics in ASEAN into a simple narrative, this thesis envisions the need to go beyond a simplified picture of Southeast Asian politics, particularly in human rights issues. In fact, this thesis pushes beyond the conventional view of norm dynamics in the institutionalisation of human rights in ASEAN, particularly with CSOs' engagement in the regionalism process. Specifically, through the case of Indonesia, we can see the complex patterns of how Indonesian CSOs try to socialise human rights norms in the region and the links between Indonesia's normative position and human rights institutionalisation process in the region. Both acknowledging its traditional role as often being the informal leader of ASEAN and the notable role of democratic movements and active CSOs, the focus on Indonesia is aimed at providing a case study of the deeper dynamics of ASEAN at a sub-regional level.

In reviewing the literature, I argue that Bourdieu's field theory enhances the existing constructivist IR analysis of ASEAN and provides a more robust understanding how Indonesian CSOs shape ASEAN institutionalisation of human rights norms. As described in Chapter II, this thesis was built upon the existing research on the role of CSOs in socialising ideas to ASEAN. Some scholars suggested specific roles of CSOs' advocacies to ASEAN, such as in being an 'honest broker' of ideas (Stone 2000, 2011), facilitating the engagement of ASEAN with wider CSOs (Caballero-Anthony 2006; see also Kraft 2006), or even being 'a counter-hegemonic' challenge to ASEAN (Nesadurai 2012, 172). However, each of these existing studies on the role of CSOs' advocacy to ASEAN is prone to the risk of

overgeneralising the role of CSOs, failing to sense a more fundamental underlying structure that affects these CSOs and link their engagement strategies. Applying Bourdieu-inspired constructivist IR has helped in mitigating this gap, especially in deciphering the common practices of human rights institutionalisation in ASEAN and the ways in which Indonesian CSOs react to that process.

In providing a careful analysis of different Indonesian CSOs' existence and roles in the institutionalisation of human rights in ASEAN, the thesis conceptualises the operationalisation of Bourdieu's field theory, particularly through Guzzini's (2000, 2013b) interpretation and emphasis of the theory on investigating norm dynamics and power relations. As field is understood as a network of actors' positions within a shared system of meaning, its usage as an analytical tool provides a more sensitive analysis of the relational political struggles of the wider relevant actors in ASEAN, particularly in their efforts in positioning themselves in accordance to the dominant norms and aiming for transforming norms in the region. As a result, the adoption of Bourdieu's field theory was not aimed at generating simplified argument, but instead served as a means for showing both normative debate process on the institutionalisation of human rights in ASEAN and the nuanced picture of CSOs' engagement to such process.

This thesis departs from existing studies on the dominant norms in ASEAN. While Acharya (2001) considers them as the result of localisation of foreign ideas into member states' contexts and Haacke (2003; see also Collins 2003, Rüland 2018) regards these norms as cooperative intramural procedures in the region, this thesis holds the view that the dominant norms in ASEAN are not only the solidification of common practices of the member states as the traditional political actors in the region, but also the structure that shape political actors' beliefs and political behaviours. In other words, these norms are not merely final products of political processes in ASEAN. Instead, these norms also act as an important point of reference for all political actors, including new actors like CSOs, who wish to engage with other political

actors and take part in norm dynamics within the field of ASEAN. As a result, this understanding emphasises two detailed aspects in CSOs' engagement in ASEAN: first, the obstacle to the institutionalisation of new ideas, where political actors have to at least regard the existing dominant norms; second, the struggle and agency that Indonesian CSOs have in reacting to the dominant norms and advocating for human rights institutionalisation in the region.

Specifically, this thesis has three key findings: first, the nature of the institutionalisation of human rights in the region is highly dominated by the dominant norms in the field of ASEAN, to which this thesis refers as *doxa*; second, Indonesian CSOs need to orient themselves within the field of ASEAN, defining their normative positions and distinguishing their political strategies into three different patterns of engagement and advocacy; and third, the implications of the three different patterns of engagement in adding more complexities for the power relations and normative dynamics of human rights in the region. These three findings underpin the argument that the institutionalisation of human rights in the region is significantly shaped by the dominant ASEAN *doxa*, and in reacting to such *doxa*, CSOs can form either *supportive*, *critical*, or *adaptive* approaches in socialising human rights norms and shaping the institutionalisation processes. This complex picture of CSOs' engagement with ASEAN and human rights socialisation in the region reflects the complex and ambiguous process of human rights institutionalisation in ASEAN, where member states often exhibit a gap between practice and rhetoric in upholding human rights norms. Further review of these three findings will be elaborated in the subsequent sections.

The ASEAN doxa

The *first* main finding of this thesis is that the dominant norms in ASEAN, described as *doxa*, dominate the common practice of institutionalisation of new norms in the region,

including human rights. For Bourdieu (2000; see also Bigo 2011), it is important to be aware that within a certain field, relevant actors habituate certain norms through their political interactions and turn such norms into pre-reflexive consideration of the expected behaviours in the field; and these norms are regarded as the dominant *doxa* in the field. Within the context of ASEAN, this thesis argues that certain *doxa*, namely non-interference, consensus, pacific approach to regional problems, and incrementalism, have structured the general pattern of institutionalisation of human rights norms in ASEAN.

In being accepted by all member states, the institutionalisation of human rights often depended on the ways in which the norms were socialised in support (or at least in respect) of the ASEAN *doxa*, particularly as a less controversial notion that do not disturb member states' sovereignty and primacy role in the region. As such, while socialising human rights, the Indonesian government is often constrained by the existing *doxa*. This context was vividly exemplified in this thesis, particularly in analysing Indonesia's effort in socialising human rights norms during the promotion for ASEAN Community in 2003 and human rights norms in ASEAN Charter in 2007. Instead of emphasising the legal aspect of the importance of adopting human rights standards to all member states, the Indonesian government pushed for recalibration of the narrow practice of the ASEAN *doxa* under the less controversial term, like the need of having 'political development' and subscribing to the principle of 'comprehensive security'. The term of 'political development', for instance, was aimed at being a palatable intermediary lexicon for other ASEAN member states and persuading them to boost the 'maturity' of their political systems (ASEAN 2009, par. 13). In other words, by promoting political modernisation Indonesia actually urged the democratisation of other ASEAN member states; in the process, it hoped that shared human rights norms could develop (see Sukma 2009).

Nevertheless, Chapter III has specifically shown that the ASEAN *doxa* embedded and shaped the expected norm dynamics in the region. After the end of Asian financial crisis in

1998, Indonesia tried to work with other democratic member states, such as Thailand, Malaysia, and the Philippines, in endorsing the idea of democracy and human rights (see Dosch 2008a; Katsumata 2009). However, in maintaining common diplomatic practices according to *doxa* and avoiding any means that can delegitimise ASEAN, the expected behaviours in discussing new ideas in the region are often performed within careful actions of staying away from sensitive issues, discussing the issue using vague and open concepts for saving face, and watering down new ideas in searching for the lowest common denominator among member states. As a result, despite gathering support from other democratic countries in ASEAN, Indonesia had to water down its original proposal as a reconciling gesture to embrace all member states. Although acknowledging the interest in respecting ‘human rights’ within the umbrella of political development strategy in the region, the final agreement on ASEAN Security Community Plan avoided putting stronger emphasis on guaranteeing human rights (see Sukma 2009). This essentially demonstrated how Indonesia tried to push human rights via an appealing narrative; yet, at the same time, it was conducted in alignment with the dominant *doxa*, resulting in less radical change and even greater opportunity for weak institutionalisation process where gaps between practice and rhetoric in upholding human rights norms are apparent.

Indeed, it is important to note that within the context of Jakarta’s greater commitment to pushing for ASEAN reform, there is a greater chance for CSOs to have an influence. This thesis has elaborated several opportunities for CSOs’ engagement with ASEAN, particularly in advancing regional institutionalisation process. Within the strongly structured *doxa*, new norms often can be socialised not only because the innate quality of the norms, but also the ways in which such norms are socialised in the field. In providing an appealing narrative to socialise human rights in the region, the Indonesian government often hoped for fresh ideas from outside the government circle, including CSOs. This means that CSOs can engage in

providing input and refining the Indonesian government' proposals for ASEAN reform. Moreover, while each member state often has their own agenda for ASEAN, CSOs in a certain country can also help in socialising norms to CSOs in other countries in the region, creating a closer network of ideas with other CSOs in other countries pushing similar norms to their respective government. Along with widening ASEAN political space for CSOs and democratic trend in Southeast Asia, the form of networks of similar types of CSOs has become a salient feature in facilitating the greater push for human rights norms.

Political map of Indonesian CSOs in the field of ASEAN

This thesis asserts that the political map of Indonesian CSOs has become more complex during the post-Cold War era, particularly along with wider ASEAN political space and greater interests from CSOs in engaging with the Association. In fact, the *second* major finding of this thesis is that there are at least three patterns of Indonesian CSOs' engagement with ASEAN in their effort to shape the institutionalisation of human rights, namely *supportive* (which is exemplified by CSIS), *critical* (which is exemplified by KontraS) and *adaptive* (which is exemplified by HRWG). These various approaches are rooted from different normative positions in the field of ASEAN. More importantly, these varied approaches manifested through distinct political strategies across spectrum from providing amicable support for ASEAN to critically pushing for universal human rights measures in the region.

Chapter IV has elaborated that the field of ASEAN has been dynamic, particularly in regard to the number of relevant political actors in it. The field of ASEAN was initially populated by member states and a small number of CSOs, particularly in the form of think-tanks and elite activists with close affiliation with ASEAN elite circles, including CSIS. Being established during the Cold War era, this small field was virtually an exclusive group of Southeast Asian elite bureaucrats mitigating the great sense of suspicion and potential conflict

among themselves, resulting in a very selective affiliation system within regional mechanisms (Antolik 1990; Collins 2003; Roberts 2012a, 34). Hence, while critical CSOs had significant animosity towards the elitist ASEAN regime, other CSOs, particularly think-tanks, aspired to have access to regional mechanisms and support the Association. However, in trying to boost its legitimacy after the lack of confidence over its ability to tackle the Asian financial crisis and maintaining relevance in the post-Cold War era, ASEAN progressed with the promotion for greater participation of people in ASEAN (ASEAN 1997; Narine 2002). The idea of a ‘people-centred’ ASEAN and the subsequent reform agenda, including Bali Concord II in 2003 and the preparation of creating the regional Charter, signalled the Association’s willingness to widen its political space. This context attracted critical Indonesian CSOs, such as KontraS and HRWG, to actively engage with the Association, resulting in a growing number of relevant political actors in the field of ASEAN.

With their distinct normative positions, each CSO engaged and tried to influence human rights institutionalisation in ASEAN differently. At the one extreme, CSIS, which started its engagement during the Cold War era, based its normative identity on being a *supportive* agent for ASEAN. Created in 1971, CSIS aimed to support the Indonesian government’s foreign and strategic policy, providing robust and well-researched solutions for domestic and regional challenges. From its researchers and close connection with Suharto’s elite circles, CSIS could access and socialise new norms into government officials’ strategic thinking, including human rights norms.

Despite not being a human rights-focused CSOs, CSIS could distinctively demonstrate its push for respecting human rights in ASEAN. Chapter V of this thesis has elaborated how CSIS gained important knowledge of the dominant norms in ASEAN and its common practices in the region. In doing so, CSIS’ strategy was to maintain close connections with foreign policy elites in Indonesia and ASEAN and provide intermediary lexicons that helped the Indonesian

government proposing a palatable proposal containing supportive measures for human rights and avoiding open conflict with the common dominant norms and practices in the region (Sukma 2009; see also Sukma 2006). Moreover, CSIS also built strong connections with regional network, particularly in its involvement in ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS) and its active mediation between ASEAN and wider CSOs through organising informal dialogue on human rights issues. These placed CSIS as a crucial agent in the policy formation processes in ASEAN, such as its active involvement in holding discussion sessions on drafting input for ASEAN Charter and hosting the Jakarta Human Rights Dialogue as an informal dialogue between ASEAN Secretary General and some invited human rights-focused CSOs in the region (see Dosch 2008b; HRWG and CSIS 2012; Soesastro, Joewono, and Hernandez 2006a; Stone 2011). By both providing palatable proposals through close connection with high-level officials in the Indonesian government and ASEAN and facilitating greater discussion between ASEAN and CSOs, CSIS actively shaped the norm dynamics in the region, promoting the need for adopting human rights norms in Southeast Asia.

KontraS, at the other extreme, performed its normative position as an opposition against ASEAN and its regional *doxa*, adopting *critical* tactics that can bring pressure towards ASEAN in dealing with human rights problems in the region. Being established during the early *Reformasi* era, KontraS focused on advocating for the rights of the victims of Suharto's draconian regime. This created a strong normative identity as a staunch human rights defender against the state. Likewise, KontraS was largely indifferent to ASEAN, seeing it as merely a group of Southeast Asian despots. However, Chapter IV of this thesis has vividly demonstrated a unique turning point in ASEAN. After the Asian financial crisis, KontraS and other critical Indonesian CSOs saw a new opportunity in the Association's commitment to widening its political space and to reforming its regional mechanisms, such as through the idea of ASEAN Community in 2003 and ASEAN Charter in 2007 (see Collins 2008; Lopa 2011; Gerard

2014b). As such, we can see a surge of critical Indonesian CSOs' interest in advocating human rights concerns to ASEAN after 2003.

In engaging with ASEAN, KontraS distinctively demonstrated a pattern of critical advocacy. Manifesting its normative position against the dominant regional *doxa* that prevent human rights progress in the region, KontraS has actively protested ASEAN and pushed for radical normative transformation, underscoring the need for fully institutionalising universal human rights standards in the region. This advocacy strategy centred on the need for building unity among the like-minded CSOs across the region and conducting critical public campaigns for building public awareness and creating pressure on ASEAN. In doing so, KontraS could gain greater trust from other critical CSOs and put pressure to the Indonesian government and ASEAN to respond to their demands.

The third pattern of CSOs' strategy of advocacy discussed in this thesis was adaptive engagement. It emphasised the need of adapting to the field of ASEAN for a better access and opportunity for closer normative interactions with the Indonesian government and ASEAN. HRWG uniquely demonstrated a transformation of its advocacy from fully critical to a seemingly supportive engagement with ASEAN after 2009, signalling a gesture of being *adaptive* to the dominant ASEAN *doxa*. This position can be viewed as placing itself in between the spectrum of those who are fully supportive and those who are critical to ASEAN.

Chapter IV has elaborated that the establishment of HRWG signified an important progress in critical CSOs advocacy in Indonesia, namely being a specialised task force for facilitating critical Indonesian CSOs' advocacy at the international arena. Thus, while expanding its advocacy beyond mechanisms at the United Nations and engaging with ASEAN since 2006, HRWG initially focused on rallying critical Indonesian CSOs' voices on regional human rights issues and became involved in the Solidarity of Asian People' Advocacy (SAPA) as one of the prominent network for critical CSOs in the region. Nevertheless, HRWG

eventually recalibrated its engagement approach, especially after gaining more knowledge and access about the practice of the dominant *doxa* within ASEAN regional mechanisms from its director's experience as the Indonesian representative for ASEAN Intergovernmental Commission on Human Rights during 2009-2015. Rather than following the typical critical CSOs' advocacy strategy, HRWG shifted its advocacy strategy from not only criticising ASEAN's weak human rights record, but also facilitating connections between wider CSOs and the Association as well as supporting local CSOs in less democratic states the region on how to better engage with their respective government on regional issues. As a result, HRWG signalled a distinct strategy for advocacy, combining critical and supportive engagement with ASEAN, adapting to the dominant norms in the region for a more effective human rights socialisation process. This it demonstrates the strength of the ASEAN *doxa* and the possibility of an alteration of normative position in the field, particularly after getting a better understanding of the dominant normative structure in the region.

The link between power relations and norm dynamics in ASEAN

The *third* finding of this thesis is that each Indonesian CSO aims to socialise human rights norms based on distinct form of power relations within the field of ASEAN, creating a complex process of human rights norms socialisation in the region. In further understanding the various Indonesian CSOs' advocacy approaches to regional human rights issues, the thesis demonstrated a deeper analysis of the link between such different approaches and the form of power relations within the field of ASEAN. The different form of Indonesian CSOs' engagements, in fact, signalled a much deeper reflection of how each CSO recognised the ASEAN *doxa* as the dominating structure and how each CSO exercised its agency in wielding strategy in socialising human rights norms to ASEAN.

This thesis has established that the field of ASEAN is dominated by member states and their habituated diplomatic norms (or *doxa*), reflecting institutional biases that privilege the member states and limit the role of new actors like CSOs in the field. In socialising human rights norms and reacting to such *doxa*, CSIS has been focusing on enacting its power in alignment with the dominant rules of the game, striving for recognition as a trusted knowledge producer for supporting ASEAN as the basis of its symbolic power. KontraS, on the other hand, has been trying to push for radical change in the region, particularly making universal human rights standards as one of institutionalised norms in ASEAN. Within that process, KontraS signals its animosity against the dominant *doxa* in the region and enacts its symbolic power as an unwavering critic of ASEAN's human rights record. Meanwhile, HRWG demonstrates a different reaction to the ASEAN *doxa* than that of CSIS and KontraS, signalling its distinct normative position in the field of ASEAN. While being established as a critical CSOs, HRWG altered its initial normative position. After gaining more knowledge and understanding of the regional *doxa*, HRWG realised the unequal map of power relations among actors in ASEAN. As such, HRWG transformed its strategy, shifting the basis of its power from the reputation as being hostile to ASEAN to being more supportive to the Association. This signalled an adaptation to the dominant *doxa* in the region and a reorientation to have more close interactions with the Indonesian government and ASEAN.

The Indonesian government and ASEAN distinctively responded to different CSOs' engagement efforts. This thesis, in fact, has further elaborated the complex impact of different Indonesian CSOs' power relations and advocacy strategies to human rights institutionalisation in ASEAN. The Indonesian government and ASEAN recognised CSIS' symbolic power as a supportive actor in the field of ASEAN and often asked CSIS for new ideas for regional reform, such as in the process of proposing the idea of ASEAN Community in 2003. However, in doing so, CSIS also acquiesces to the dominant *doxa*, including in accepting the dilution process of

its human rights-infused proposals in order to seek consensus in the region. This is certainly different with KontraS which builds its symbolic power as the antithesis of a supportive group in the field of ASEAN, resulting in the strong sense of hostility with ASEAN. However, while receiving less positive recognition from ASEAN, KontraS' enactment of its symbolic power gains the acknowledgement from other critical CSOs in the region, signifying its legitimacy as a persistent critic of the Association. Interestingly, this can also sometimes be utilised by Jakarta as a tactical pressure during diplomatic negotiation on human rights issues in ASEAN. Moreover, in its effort to alter its power relations in the field of ASEAN, HRWG gains recognition from the Indonesian government and ASEAN as one of those critical CSOs with a 'soft-liner' tendency in the region. Indeed, these differing efforts often generate a more complex picture of norm dynamics and less coherence among Indonesian CSOs' effort in socialising human rights norms to ASEAN. This eventually provide a greater space for member states claiming of receiving supports from CSOs and maintaining the practice of the dominant *doxa*, risking the continuation of the gap between ASEAN's rhetoric and its action on human rights issues.

Significance of the findings and future research

In analysing the detailed practices of how Indonesian CSOs' engage with and socialise human rights norms to ASEAN, this thesis contributes to future constructivist IR study of ASEAN, especially on human rights issues. While most existing constructivist IR studies focus on the process and importance of regional norms and emphasise state-centric analysis of ASEAN, there is a growing scholarly interest in understanding the existence and role of non-state actors in ASEAN. My research specifically aims to enrich this new body of scholarship, particularly in carefully investigating how non-state actors take part in the process of human rights institutionalisation in ASEAN. This is certainly essential, particularly in light of the surge of

CSOs' interests in engaging with ASEAN along with the trend of democratisation in many Southeast Asian countries and the widening of ASEAN political space for CSOs in the 2000s (see Acharya 2003, 2014a; Chandra 2006; Gerard 2014b; Uhlin 2016). As such, this thesis can be regarded as providing deeper understanding of how CSOs navigate within the regional framework and demand for advancing human rights norms, shedding some light on the nuanced relationships between CSOs and ASEAN.

In analytical terms, this thesis responds to the puzzle of the lack of real progress in ASEAN's human rights protection. The main concern here is understanding the fact that ASEAN seemingly continues to advance the human rights agenda but merely in the form of 'institutional isomorphism', such as such as creating an ASEAN Intergovernmental Commission on Human Rights (AICHR) but with no actual power to process individual complaints of human rights abuse (Jetschke and Rüland 2009: 182-83; see also Davies 2014a). These scholarly works, thus, focus on unravelling how ASEAN member states commit to a pseudo-reform process in responding to the pressure from the Western powers and how ASEAN care more for having a limited reform for the sake of regaining legitimacy as a relevant regional organisation in Southeast Asia than undergoing a radical and far-reaching regional transformation (see Narine 2010, Davies 2013a; Poole 2015b; Rüland 2014). Davies (2013a, 225), for instance, suggests that a 'commitment to ASEAN as a norm-rich environment [including for human rights] does not necessarily mean that all member states believe the norms they promote'; instead, 'dissonance between domestic and international positions ... is part of normative contestation', signalling a possibility for adopting the norms for the sake of political ends. While agreeing with these scholars' assessment on the pathology of the state centric-nature of ASEAN and the problems with the existing norm diffusion process from Western countries and international organisations, I argue that we need to advance the body of

scholarship further, especially in understanding the ways in which non-state actors contribute to the process.

While some scholars did explore political dynamism beyond ASEAN member states, such as on the form of think-tanks' engagement with ASEAN (Hernandez 1999; Stone 2011; Soesastro, Joewono, and Hernandez 2006a) or certain CSOs and their network for advocating alternative regional frameworks (Gerard 2014b; Lopa 2012; Nesadurai 2012, 2014), this thesis has tried to explore the role of CSOs in a more thorough manner. Considering the lack of academic research on relatively recent emergence of so many CSOs activities in the region on the issues of the institutionalisation of human rights in ASEAN, the focus on carefully probing Indonesian CSOs' engagement with ASEAN and the adoption of Bourdieu's field theory contributes to a better analysis of ASEAN, especially in going beyond the state-centric analysis and comprehensively bringing non-state actors into consideration.

In political terms, this research contributes to the emerging concern on reforming ASEAN. As elaborated in chapter I, some scholars have focused on evaluating the trajectory of ASEAN reform, especially in the possibility of a meaningful bottom-up process (see Acharya 2003; Chandra 2006; Gerard 2014b; Rüland 2014). However, much of the analysis of the prospect for participatory regionalism in ASEAN has been undertaken in the context of investigating the nature and the problems of ASEAN's contemporary regional mechanism. There is little examination on the detailed dynamics of CSOs' engagements with ASEAN, such in shaping human rights institutionalisation process in the region.

By focusing on CSOs' political advocacy on human rights to ASEAN through the case of Indonesia, this thesis unveils the diverse mechanisms of how CSOs contribute to regional norm dynamics. Likewise, the adoption of Bourdieu's field theory provides a more careful analysis of the wide range of CSOs' engagement practices with ASEAN and the varied power relations between each other and with ASEAN in socialising human rights norms. In fact, this

analytical approach demonstrates the complexity of the current progress of human rights institutionalisation in ASEAN, signalling both contributions and limits of each type of CSOs' engagement to the human rights norm dynamics in the region.

From the both analytical and political terms, there are several crucial implications of this thesis. First, this dissertation contributes to the literature on ASEAN, enriching the constructivist IR analysis of ASEAN norms. While most constructivist IR scholars on ASEAN institutionalisation process centre around Acharya's (2009b, 21-23) analytical lens of 'norm localisation' where member states act as norm takers of ideas from the international arena and make them compatible with their 'cognitive priors', some other scholars pose a much more critical assessment of the process. Rüland (2014a, 237), for instance, claims that ASEAN has 'skilfully countered external democracy promotion and domestic pressures for democratising regional governance through variable strategies including rejection, isomorphic adaptation and localisation', signalling a corporatist tendency in how member states operate within the Association. Nevertheless, it is important to carefully assess the dynamics within the region and avoid generating an oversimplified narrative of the process.

Chapter III of this thesis has elucidated that while external factors, such as pressure from Western powers and financial crisis, spurred ideational change in ASEAN, there was a salient norms dynamic within the region, particularly among member states. In the case of human rights, this thesis clearly illustrates by how Indonesia and other democratic countries in the region pushed for institutionalisation of such norms in ASEAN. In adopting Bourdieu's field theory, this thesis identifies the existence of the dominant *doxa* as the product of the entrenched member states' worldview and diplomatic practice within the field of ASEAN. Yet, at the same time, these *doxa* are not strictly fixed, especially their practices in the region. The progress of the institutionalisation of human rights, hence, could occur as the norms were socialised as less controversial notion and in accordance with the existing dominant *doxa*. At

this juncture, we can see how Indonesia played a crucial role in endorsing the recalibration of the practice of regional *doxa*. In suggesting the need for respecting democracy and human rights, Indonesia advocated the idea of political development through the narrative of balancing the emphasis on economic cooperation in ASEAN and mitigating the risk of socio-economic crisis, signalling an alluring discourse for gaining resonance with wider member states' interests. Despite not being able to radically change ASEAN and even indicating how Jakarta has to acquiesce to the dominant *doxa* during its effort in socialising human rights norms, the emphasis on Indonesia's experience demonstrated a much more complex map and processes of norm dynamics in the region.

Secondly, this thesis also contributes to the enrichment of the constructivist IR analysis of ASEAN, particularly in widening the scope of analysis and carefully assessing sub-national levels. Existing IR studies on ASEAN norms have successfully elaborated the central role of norms within ASEAN regional behaviours (see Davies 2014a; Jones and Smith 2007; Jetschke and Rüland 2009, Nesadurai 2009). However, these expositions often put their foremost attention on the member states as the primary actor in ASEAN, generating a narrow analytical target instead of sensing wider political dynamisms particularly in sub-regional and sub-national levels. This certainly risks ignoring the apparent wider interests from broader actors in the region. Indeed, some researchers have tried to respond to this concern. Dosch's research (2008a, 530), for instance, argues that ASEAN's careful deliberations on democracy are 'the inevitable indirect consequence of democratic norms and values diffusing from the domestic to regional political spheres'; yet, he concludes that the longstanding member states' concern for maintaining national sovereignty still often overpowers other considerations within regional mechanisms. While not denying the predominant role of member states within norm dynamic process in ASEAN, this thesis adds to the existing literature on ASEAN by arguing that the inclusion of human rights references in ASEAN Charter and ASEAN Human Rights

Declaration (AHRD) was not linear and nor atomistic. In fact, it is essential to understand that ASEAN is pluralist, and so are CSOs in contrast to the established literature on CSOs' regional advocacy in Southeast Asia.

By focusing on the case study of Indonesia, this thesis has specifically elaborated how CSOs have different normative positions and political strategies in advocating human rights in ASEAN, providing a more careful analysis of the ways in which CSOs try to shape human rights institutionalisation in the region. More importantly, through the elaboration in Chapter IV and V, we can see how *doxa* permeate and push actors within the field to react. In manifesting their normative identity and reacting to the *doxa*, CSOs devise various political strategies, namely being *supportive*, *critical*, and *adaptive* to ASEAN. Hence, we can see that different normative positions in regard to regional human rights issues are not only between different member states, but also among different CSOs as well.

Thirdly, one of the most important contributions of this thesis is the explanation of the link between power relations and norm dynamics in the field of ASEAN. Echoing Adler-Nissen's (2015b) concern of how the existing IR scholarly works often depart from the actual practices in the field, it becomes imperative for IR scholars, including constructivists, to carefully assess concrete practices of the relevant political actors in the region. This issue is particularly relevant in the context of the existing research on ASEAN. Accordingly, in the context of investigating the role and capability of CSOs in ASEAN, this thesis focuses on the ways in which CSOs manifest their agency in the field where certain *doxa* structurally dominate the practice of political interactions in the region.

In applying Bourdieu's field theory, Chapter VI of this thesis specifically demonstrates how each CSOs can devise its advocacy approach and build salient power relations in the field of ASEAN through their effort in influencing norm dynamics in the region. Clearly, it is essential to note that power is not about the end result. Instead, this thesis underlines that power

is always about relational interactions within the field (especially as the form of power that strongly matters in the field is from recognition from other actors or the so-called symbolic power). Aligning with Lukes (2005: 73) argument that ‘to have power is to have power over others’, CSOs in the region can be regarded as striving to exercise their power, particularly through projecting its distinct recognition over other CSOs and unique characteristic against the dominant *doxa* in the region. And as a result, we can see how other actors in the field, especially the Indonesian government and ASEAN, react to each CSOs’ human rights norms effort.

Although all of them claiming to push human rights in ASEAN, each of Indonesian CSOs projects its power differently. CSIS, for instance, bases its symbolic power on gaining recognition as having intellectual and networking prowess more than other actors, particularly in its claim of being track II and trusted expert who can provide palatable ideas on human rights according to the ASEAN *doxa*. This is certainly different from other CSOs, such as KontraS, which base their symbolic power on the recognition as a true CSO representing human rights victims and as an unwavering critic of ASEAN for pushing the full adoption of universal human rights standards in the region. Moreover, other CSOs, such as HRWG, choose to alter their power relations as gaining more knowledge of the dominant norms in field of ASEAN, signalling a gradual adaptation of the dominant *doxa* and having more knowledge of ASEAN than that of other critical CSOs in their efforts in socialising human rights norms in the region. These differences, particularly in how they project their symbolic power, indicate the struggles among CSOs in engaging with ASEAN, creating distinct norm dynamics in the region.

While recognising how several factors shape the norm dynamics in ASEAN, such as external pressure from Europe (Allison 2015; Jetschke 2009, 2013; Maier-Knapp 2014), or the Asian financial crisis (Emmers and Ravenhill 2011; Rüland 2000, 2018b), this thesis demonstrates how struggles among member states, and more importantly, among CSOs at the

sub-regional level in regard to the dominant *doxa* also contribute in the institutionalisation process in ASEAN, especially in human rights issues. Moreover, while resulting in an opportunity for the Indonesian government to bring CSOs' input in ASEAN, the various CSOs' approaches in advocating human rights norms gives the opportunity for ASEAN to claim the support from CSOs and to maintain the practice of regional *doxa*, especially in merely engaging in institutional isomorphism and continuing the lack of ASEAN's real progress in its human rights protection.

Furthermore, through the focus on how CSOs engage with ASEAN in shaping the institutionalisation of human rights norms in the region, this research contributes to future scholarship on the detailed norm dynamics in ASEAN and wider analysis of political stakeholders beyond member states in the region. However, in further developing a better understanding of the complex and nuanced relationships between CSOs and ASEAN, there are several possible areas for future study, such as the expansion of this research for further comparative analysis, the further investigation of the development of ASEAN human rights mechanisms after AHRD of 2012, the exploration of the relationship between CSOs, normative change in ASEAN and global politics.

Indeed, this study demonstrates that we cannot well understand regional norm dynamics without investigating the detailed practices of political actors in the region and we cannot see CSOs' engagement in ASEAN through only a particular form of CSOs. This research focuses on the case study of Indonesia, given the record of being one of the most democratic societies in the region and the political prominence of Jakarta in ASEAN institutionalisation process, including in endorsing human rights norms in the region (see Acharya 2014b; Emmers 2014; Rüländ 2018; Weatherbee 2013). A holistic investigation of various Indonesian CSOs' engagement with the Indonesian government and ASEAN shows that the political picture of norm dynamics in ASEAN is not a simple and linear process. Through analysing the field of

ASEAN, different Indonesian CSOs' pattern of engagements signal struggles and intricate power relations among CSOs and between CSOs and member states against the dominant *doxa* in the region, contributing to not only the adoption of human rights norms in the region but also the opportunity for the continuation of the weak institutionalisation of human rights in ASEAN. While generating insights into the complex process of CSOs' engagement with ASEAN in human rights issues, it also provides a nice starting point for further comparative analysis. The analytical framework employed in this thesis can be useful in helping to inform future research, especially in exploring how ASEAN *doxa* also structure CSOs in other countries in the region and how those CSOs can demonstrate their agency in reacting with the dominant *doxa* and influence the institutionalisation of human rights in the region.

Another important direction for future research on CSOs' engagement in ASEAN is a careful investigation of the development of ASEAN human rights mechanisms after AHRD of 2012 and the role of CSOs in wider and new human rights issues, such as rights for migrant's workers and rights of person with disabilities. This thesis elaborates that different types of CSOs' engagement approaches result in different quality of interactions with ASEAN, highlighting the importance of the ways in which CSOs realise the dominant *doxa* and socialise their norms in ASEAN. At this juncture, it will be beneficial to expand this research further, particularly in investigating the nature of the emerging human rights-related issues after the AHRD, the degree of susceptibility of these issues among ASEAN member states, and the ways in which CSOs advocate these issues in the region. These questions will enrich the existing body of literature on the institutionalisation of human rights norms in ASEAN (such as Davies 2013b; Katsumata 2007; Narine 2012; Renshaw 2013) and emerging human rights issues in the region (such as Pisanò 2016).

Moreover, future research could explore the relationship between CSOs, normative change in ASEAN and global politics. Existing studies suggest that ASEAN reform is often

related with external factors, especially the external pressure from Western powers (see Allison 2015; Engle 2000; Jetschke 2009, 2013; Mauzy 1997). However, besides of that, this thesis shows how external factors link to internal dynamics within the region, particularly in creating the sense of urgency for ASEAN to widen the political space for CSOs' engagement. Indeed, this process did not occur instantly. This thesis demonstrates how difficult for CSO to get closer access to ASEAN, the possibilities and limits to change within the Association, and how change can be brought within existing institutional orders. This dynamism needs to be investigated even further, given the volatility of global politics and the recent decline of Western liberal order (see Ikenberry 2018). For example, one could ask: how do the relative decline of the US' and Europe' human rights pressure on ASEAN affect the political space for and the ability of CSOs' human rights advocacy in the region?

Ultimately, this thesis and the abovementioned possible further research areas will be important for giving a clear reflection of the existing progress of participatory regionalism in the region, particularly in evaluating the power and limit of CSOs' role within regional politics. This thesis demonstrates that understanding actors other than the primary actors in the region is not a simple task. Through the adoption of Bourdieu's field theory, this research allows us to better acknowledge contrasting CSOs' normative positions and the ways in which they can differently socialise new norms in ASEAN, adding a nuanced picture of regional institutionalisation process. More importantly, this thesis also underlines how CSOs' normative positions and advocacy patterns are not fixed; and this, to a large extent, contributes to the complex process of human rights institutionalisation in ASEAN. The challenge for ASEAN is then not only to modify and solve the problem within the existing regional mechanism, but also to make sure a robust and meaningful CSOs' political participation within the limit of the existing dominant *doxa* in the region.

Appendices

Appendix A: List of interviewees

No.	Organisations	Interview Participants	Status
1.	Government Officials – MOFA	Hassan Wirajuda (Former Foreign Minister)	Interviewed (17 March 2016)
2.		I Gusti Agung Wesaka Puja (Director General for ASEAN Cooperation 2012-2015)	Interviewed (14 January 2016)
3.		Anonymous (Former Director General for ASEAN Cooperation)	Interviewed (22 January 2016)
4.		Ngurah Swajaya (Indonesian Permanent Representative to ASEAN 2010-2014)	Interviewed (1 February 2016)
5.		Rahmat Pramono (Indonesian Permanent Representative to ASEAN 2014-2017)	Interviewed (3 February 2016)
6.		Dicky Komar (Director for Human Rights and Humanitarian Affairs)	Interviewed (15 March 2016)
7.		Mochamad Yudha (Director of ASEAN Political and Security Cooperation)	Interviewed (25 April 2016)
8.		Widya Rahmanto (Head of Sub Directorate of Security and Human Rights, Directorate for ASEAN Cooperation)	Interviewed (25 April 2016)
9.		Makarim Wibisono (SOM Leader ASEAN 2002-2004)	Interviewed (28 April 2016)
10.		Djauhari Oratmangun (Director General for ASEAN Cooperation 2009-2012)	Interviewed (29 April 2016)
11.	Centre for Strategic and International Studies (CSIS)	Phillips J. Vermonte (Head of Department of Politics and International Relations/Director)	Interviewed (29 February 2016) and (4 November 2016)
12.		Lina Alexandra (Department of Politics and International Relations)	Interviewed (29 February 2016)
13.	Komisi untuk Orang Hilang dan Tindak Kekerasan (KontraS)	Haris Azhar (Coordinator 2010-2017)	Interviewed (10 March 2016)
14.		Fatia Maulidiyanti (International Desk)	Interviewed (4 March 2016)
15.		Puri Kencana Putri (Deputy Coordinator for Strategy and Mobilisation)	Interviewed (4 March 2016)
16.		Usman Hamid (Coordinator 2006-2010)	Interviewed (23 March 2016)

17.	Human Rights Working Group (HRWG)	Rafendi Djamin (Director)	Interviewed (17 February 2016)
18.		Yuyun Wahyuningrum (Senior Advisor)	Interviewed (12 February 2016)
19.		Anonymous (Senior Advisor for AICHR)	Interviewed (16 February 2016)
20.		Daniel Awigra (Program Manager)	Interviewed (16 February 2016)
21.	ASEAN and Human Rights Analysts	Tan See Seng (RSIS)	Interviewed (11 April 2016)
22.		Leonard Sebastian (RSIS)	Interviewed (12 April 2016)
23.		Mely Anthony Caballero (RSIS)	Interviewed (12 April 2016)
24.		Termsak Chalermphanupap (ISEAS)	Interviewed (13 April 2016)
25.		Meidyatama Suryodiningrat (Jakarta Post/ANTARA)	Interviewed (29 April 2016)
26.		Alexander Chandra (the Habibie Center)	Interviewed (2 March 2016)
27.		Muhadi Sugiono (UGM)	Interviewed (20 April 2016)
28.		Adriana Elisabeth (LIPI)	Interviewed (18 February 2016)
29.		Eric Hiariej (UGM)	Interviewed (22 February 2016)
30.		Samsu Rizal Panggabean (UGM)	Interviewed (29 March 2016)
31.		Ichlasul Amal (UGM)	Interviewed (19 April 2016)
32.		Mohtar Masoed (UGM)	Interviewed (9 April 2016)
33.		Dewi Fortuna Anwar (LIPI)	Interviewed (3 November 2016)
34.		Ken Setiawan (the Univ. of Melbourne)	Interviewed (6 October 2016)
35.		Max Lane (ISEAS)	Interviewed (16 September 2016)
36.		Herlambang Wiratraman (Airlangga University)	Interviewed (24 August 2017)
37.	Extra/Others	Dinna Whisnu (Indonesia rep. for AICHR)	Interviewed (22 March 2016)
38.		Ardhana Pragota (ASEAN Youth Forum)	Interviewed (7 March 2016)
39.		Eko Prasetyo (Pusham UII - Yogyakarta)	Interviewed (7 March 2016)
40.		Rully Sandra (HRRCA)	Interviewed (3 March 2016)
41.		Wahyu Wagiman (ELSAM – Jakarta)	Interviewed (11 March 2016)
42.		Wahyudi Djafar (ELSAM – Jakarta)	Interviewed (11 March 2016)
43.		Mugiyanto (INFID - Jakarta)	Interviewed (7 April 2016)

44.		Poengky Indarti (IMPARSIAL)	Interviewed (16 March 2016)
45.		Anonymous (ForumASIA)	Interviewed (16 March 2016)
46.		Rahimah Abdulrahim (the Habibie Center)	Interviewed (18 March 2016)
47.		Ibrahim Almutaqqi (the Habibie Center)	Interviewed (18 March 2016)
48.		Beka Hapsara (INFID – Jakarta)	Interviewed (17 February 2016)
49.		Marzuki Darusman (Co-chair of Working Group on Human Rights Mechanism in ASEAN)	Interviewed (2 March 2016)
50.		Tolhas Damanik (PDDI – AGENDA)	Interviewed (23 March 2016)
51.		Maulani Rotinsulu (HWDI – ADF)	Interviewed (7 April 2016)
52.		Erni Andriani (IFES – AGENDA)	Interviewed (27 April 2016)

Appendix B: Comparison between the CSIS' proposal and the Bali Concord II

No	Categories/Issues	CSIS' Proposal	Bali Concord II
1.	Similar core concept of ASEAN Security Community.	The concept of Security Community is often defined as a group of states that has achieved a condition, as a result of flow of communication and the habit of cooperation, where members share 'expectations of peaceful change' and rule out 'the use of force as a means of problem solving.' States that belong to a Security Community come to see their security as fundamentally linked to other states and then- destiny bound by common norms, history, political experience, and regional location.	The ASEAN Security Community members shall rely exclusively on peaceful processes in the settlement of intra-regional differences and regard their security as fundamentally linked to one another and bound by geographic location, common vision and objectives.
2.	Strengthening the idea of confidence building measures.	The Renouncement of the Threat or Use of Force. This principle, already included in the Treaty of Amity and Cooperation (TAC), should serve as the foundation for ASEAN Security Community. Disputes and conflicts among member states should be resolved through peaceful means. For this principle to become an embedded element in intra-ASEAN relations, not just a declaration of intent, ASEAN should consciously work to transform its current status as a 'conflict management' institution into a 'conflict resolution' one.	Existing ASEAN political instruments such as the Declaration on ZOPFAN, the TAC, and the SEANWFZ Treaty shall continue to play a pivotal role in the area of confidence building measures, preventive diplomacy and the approaches to conflict resolution.
3.	The idea of comprehensive security.	The Importance of Comprehensive Security. ASEAN, despite all the rhetoric, remains an inter-governmental form of cooperation among regional states. As such, the emphasis on 'state security' over 'human security' remains visible. An ASEAN with a state-centric paradigm will not be able to regain its relevance. An ASEAN Security Community should balance its concern over state security with a greater emphasis on 'human security' and more room for people-to-people	The ASEAN Security Community, recognising the sovereign right of the member countries to pursue their individual foreign policies and defence arrangements and taking into account the strong interconnections among political, economic and social realities, subscribes to the principle of comprehensive security as

		interaction. ASEAN's long subscription to the principle of comprehensive security, which conceives security beyond its military dimension, clearly provides the basis for this. For an ASEAN Security Community, security should encompass every aspect of life.	having broad political, economic, social and cultural aspects in consonance with the ASEAN Vision 2020 rather than to a defence pact, military alliance or a joint foreign policy.
4.	Focus on transnational crime.	It views security in comprehensive terms, ASEAN machinery should reflect that notion. Cooperation in combating terrorism should be made central in ASEAN cooperation in addressing non-traditional threats. To achieve this, ASEAN should not approach terrorism as one part of larger transnational security issues. It should approach the problem in its own rights, together with other problems that facilitate acts of terrorism. In other words, problems such as small-arms trafficking, frauds and fake documents, illegal immigrants, and money laundering, should be tackled as parts of the overall efforts to combat terrorism.	The ASEAN Security Community shall fully utilise the existing institutions and mechanisms within ASEAN with a view to strengthening national and regional capacities to counter terrorism, drug trafficking, trafficking in persons and other transnational crimes; and shall work to ensure that the Southeast Asian Region remains free of all weapons of mass destruction.
5.	Watering down process – eliminating controversial issues.	In order to improve its conflict prevention and conflict resolution capacity, ASEAN also needs to establish Peace-Keeping Training Centre. Such a centre could provide ASEAN member states a new vehicle to forge a more institutionalised mechanism for confidence-building measures (CBMS). In responding to growing trans-national threats and challenges, especially those with maritime dimension, an ASEAN Maritime Surveillance Centre might be needed.	N/A
6.	Watering down process - eliminating controversial issues.	Principle of Non-Interference. This principle should continue to become the main feature of an ASEAN Security Community. However, the governments of ASEAN countries should employ the principle in a flexible way. They should be: (1) more open to greater and cooperative involvement of other	N/A

		member states -through an agreed mechanism-- in trans-boundaries issues (internal issues with clear regional implications) and issues with identifiable humanitarian dimension (such as gross violations of human rights and in the event of humanitarian crisis); (2) more open to friendly advice offered by fellow member state, provided such advice is regulated and channelled through appropriate mechanism; and (3) less reactive to voices of civil society of other member states.	
7.	Watering down process – adding moderating issues.	N/A	ASEAN shall continue to promote regional solidarity and cooperation. Member Countries shall exercise their rights to lead their national existence free from outside interference in their internal affairs.

Sources: Data from Sukma 2003; ASEAN 2003

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