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ASEAN'S ATTEMPTS IN SECURITIZING WOMEN'S RIGHTS AT THE REGIONAL AND STATE LEVEL (MYANMAR)

UPAYA ASEAN DALAM SEKURITISASI HAK ASASI WANITA DI TINGKAT REGIONAL DAN NEGARA (MYANMAR)

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ABSTRAK

Tulisan ini bertujuan untuk melihat sejauh mana ASEAN telah berusaha melakukan sekuritisasi terhadap hak-hak wanita di tingkat regional dan negara. Teori sekuritisasi yang dirumuskan oleh Copenhagen School menjelaskan secara terperinci tentang proses sekuritisasi di mana sebuah isu tertentu dapat dikategorikan sebagai isu keamanan yang perlu diperhatikan. Dalam proses sekuritisasi, sebuah isu perlu melalui tiga tahapan, yakni a) tidak dipolitisasi; b) dipolitisasi; c) sekuritisasi. Pidato dan penerimaan dari para pendengar isu juga merupakan hal penting dalam proses sekuritisasi. Melalui langkah-langkah ini, sejauh mana ASEAN telah berusaha untuk melakukan sekuritisasi terhadap isu hak-hak wanita dapat ditentukan. Di tingkat regional, upaya-upaya melalui deklarasi dan komitmen antarnegara anggota dapat dianalisis untuk melihat usaha nyata ASEAN dalam memperjuangkan hak-hak wanita sebagai isu yang perlu disekuritisasi. Di samping itu, di tingkat negara, Myanmar sebagai negara demokrasi baru di Asia Tenggara, akan dianalisis. Hak-hak wanita di Myanmar mendapat perhatian utama, sehingga sekuritisasi terhadap isu-isu hak-hak wanita merupakan hal yang penting. Namun, peran terbatas ASEAN memberikan konsekuensi dalam upaya sekuritisasi di tingkat negara. Myanmar merupakan contoh nyata untuk memperlihatkan bahwa upaya ASEAN dalam sekuritisasi hak-hak wanita hanya sebatas memberikan pengaruh atau dukungan. Melakukan sekuritisasi terhadap hak-hak wanita di tingkat negara dapat dikatakan sulit karena prinsip non-intervensi yang dimiliki ASEAN.

Kata kunci: teori sekuritisasi, ASEAN, Myanmar, hak-hak wanita

ABSTRACT

This paper aims to examine the extent to which ASEAN has attempted to securitize women's rights at the regional and state level. Securitization theory formulated by the Copenhagen School expounds a

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set of securitization process by which a certain issue can be categorized as a security issue that should be concerned. In securitization process, an issue should follow three stages: a) non-politicized; b) politicized; c) securitized. Speech act and the acceptance of audience are also paramount in the process. Throughout these steps, the extent to which ASEAN has put endeavor to securitize women's rights can be determined. At the regional level, attempts through declarations and commitments among member states can be analyzed to indicate ASEAN's concrete endeavor to take into account women's rights as an issue that should be securitized. In the meantime, at the state level, Myanmar, a newly democratic country in Southeast Asia, will be analyzed. Women's rights in Myanmar are of grave concern and as a consequence, securitizing women issues especially the rights of women is of great importance. The limited role of ASEAN has nonetheless given consequences to the action given to a state. Myanmar has become a concrete example to show that ASEAN merely contributes an influence or encouragement to its member states to promote women's rights. Securitizing women's rights at the state level is arguably difficult due to the principle of non-interference that ASEAN has.

Keywords: *securitization theory, ASEAN, Myanmar, women's rights*

INTRODUCTION

Violence against women is closely linked to the fulfillment of women's rights. The context of violence experienced by women is also varied, ranging from physical, social, psychological, and economic violence to women's participation and opportunities in all areas of society. ASEAN, as a regional organization has started to implement a strong commitment to guaranteeing women's rights.

There have been some regional framework and agreement ratified by the country members to protect women's rights. ASEAN has undertaken various means to securitize women's rights at the regional level which is not easy. Nevertheless, ASEAN is embedded in the principle of non-interference, making countries difficult to legally binding in a commitment to make this issue securitized. Declarations, commitments, and human rights mechanism as well as institutionalization for the guarantee of women's rights have gradually developed as time goes by.

The establishment of ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) and ASEAN Committee on Women (ACW) are the concrete examples of a great development on ASEAN's awareness on women's rights through a structured human rights mechanism by which institutionalization of the human rights of women in ASEAN was established (ASEAN, 2015). Nevertheless, ASEAN on women's rights focuses more on violence against women in the shape of physical and psychological abuses, or so-called socio-culture rights rather than the equal participation or inclusion of women in society either in politics or security. Nair (2015) also discusses the absence of political or security discussions, stating that none have dealt specifically with the impact of armed conflict on women. Neither have any of these commitments aimed to increase women's participation in political nor security discussions that could potentially

lead to conflict prevention.

As the urgency of guaranteeing women's rights and the awareness of the fulfillment of human rights of women are widespread and engrained in the heart of ASEAN, women's rights has gradually been securitized in the region. Therefore, this paper aims to examine the extent to which ASEAN has attempted to securitize women's rights at the regional and state level. This exposition will be centered to securitization process on women's rights issue that has been done by ASEAN at regional level. Meanwhile at the state level, the analysis will go deeper to analyze the role of ASEAN to get involved in Myanmar's attempts to securitize women's rights.

Myanmar has been chosen to derive an in-depth understanding regarding securitization process done by ASEAN at the state level. As a member of ASEAN, Myanmar is expected to adopt the values endorsed by the organization including the protection of women's rights. Myanmar has experienced a long-term period of authoritarian rule from which the country was trapped under an authoritarian government where the fulfillment of human rights was of grave concern. Women were also considered as the victims of the authoritarian rule in which women became the victims of violence. Women's political participation and inclusion in all activities in the society also remained lacking. Until the military junta replaced the civilian government under the newly elected civilian president, U Thein Sein, in 2011, Myanmar was transformed to be

more democratic (Turnell, 2011). With the adoption of more democratic system, the government has triple main agenda reform: economic reform, political reform, and national reconciliation.

The study of women's inclusion in Myanmar's political sphere is interesting since the women leaders in Myanmar are found to be less likely to be corrupt than their men counterparts (Minoletti, 2014). Moreover, national reconciliation becomes one of the main agenda, women leaders are perceived as less confrontational and more patient. This will eventually lead to the stabilization of political realm (Minoletti, 2014).

The Gender Equality Network, an NGO based in Myanmar also envisages that the inclusion of women in political sphere will help the government to gain more legitimation as women citizens find it easier to communicate with women politicians. Last but not least, the state shall remember that opportunity to participate in public decision-making is a key aspect of citizens' agency and well-being (Sen, 1999).

Therefore, it is small wonder that Myanmar needs a bigger power to enforce the government in attaining the commitment to protect women's rights. ASEAN, as their closest regional organization, also automatically plays an important role in injecting the value of women's rights to this state.

Theory and Methodology

In this manuscript, we will categorize women's rights as a securitized issue and

the concept of securitization will clearly explicate the securitization process. Buzan, Waever, and de Wilde describe securitization as the discursive process through which an issue is dramatized and presented as an issue of it by extraordinary means (Buzan et.al., 1998). However, some scholars are also critical to the understanding of securitization. Claudia Aradau argued that,

“Securitization is a technique of government which retrieves the ordering force of the fear of violent death [...]. It manufactures a sudden rupture in the routinized, everyday life by fabricating an existential threat which provokes experiences of the real possibility of violent death” (Taureck, 2006).

Rita Taureck, in her article, concluded that securitization undoubtedly becomes an ethically and morally laden issue that by its very nature stigmatized as bad (Taureck, 2006). Through the above criticism, Aradau and Rita attempted to seek evidence that the securitization is no longer viewed as a theoretical conception that facilitates actors’ analysis to include an issue as a security one, but the tools of politicization, meaning that actors utilize this conception as a political method which is considering an issue as security issue based on its concern or interest. The objective of securitization theory is primarily to broaden security beyond the traditional political and military sectors (Nyman, 2013).

Following this understanding, it can be argued that a security issue can be constructed through a set of continued interaction in the society. Utterance or so-called speech act plays a vital role to construct a particular issue to be securitized.

An (elite) actor arguably has a distinctive role to determine whether or not the issue will be accepted as a security issue. Buzan also states that,

“actors in a position of power are more likely to be successful in securitizing by virtue of the added legitimacy of their position [...]”
(Buzan et.al., 1998).

In that sense, the acceptance of audience is of importance to the success of securitization process. As Balzacq has argued that,

“securitization theory and research applying it needs to pay more attention to the role of audience in securitization”
(Balzacq as cited in Nyman, 2013).

Therefore, it can be concluded that securitization refers to the process through which an issue is labeled a ‘security’ issue by an (elite) actor and process that moves the issues out of the normal political sphere and into the security sphere (Nyman, 2013). There are three important stages of securitization which are a) non-politicized when an issue has no state involvement and is not subject to public debate or decision; b) politicized when an issue is part of public policy, needing government decision and resource allocation; c) securitized when an issue is an existential threat, requires emergency measures and actions outside the scope of normal politics (Buzan et al., 1998).

In order to answer the research question, the use of qualitative case study method will be applied. Case studies of women’s rights promotion done by ASEAN regionally and nationally in Myanmar have been chosen. A thorough review of literatures has been undertaken to comprehend the

case study and to underpin the analysis part using securitization theory.

In the ensuing parts that are discussion, it consists of literature review of ASEAN's attempts for women's rights at the regional level and at state level, which is Myanmar and analysis part to answer the research question systematically utilizing securitization theory. A study of literatures is mainly from the content of declarations, commitments, and human rights institutionalization which often provide a clear historical background of the current situation of women's rights, including socio-cultural and political issues in overall Southeast Asia and Myanmar in a newly democratic government. From this, we derive a clear depiction regarding women's rights condition and the underlying reason why this issue is necessary to be securitized. In the analysis part, a thorough review of literature has also been conducted by combining an overarching understanding regarding securitization theory, mainly the three stages of securitization process and the role of speech act and audience, and what ASEAN has attempted to raise awareness of the human rights of women.

This article focuses on the promotion of women's rights in all shapes from the year of 1976 – onwards, starting when ASEAN Committee on Women (ACW) was established and the 1988 Declaration on the Advancement of Women in ASEAN as a subsequent major development. We decided to commence from the year of 1976, as a remarkable development of human rights promotion on women in all sectors and also

as strong evidence that ASEAN has been committed to guaranteeing women's rights long before many international declarations regarding women's rights concern were declared. However, the significant analysis will be centered in the early 2000 until present as great developments occurred in this time period.

ASEAN AND WOMEN'S RIGHTS IN SOUTHEAST ASIA

Women's Rights in Southeast Asia, especially ASEAN's member countries

Over the 20th Century and 21st Century, the recognition of human rights has grown up and enshrined in many international commitments and national constitutions, guaranteeing human rights of women for a considerable development in the pursuit of gender equality. It is also reflected as an attempt to guarantee the principle of non-discrimination on the basis of sex, which is embedded in many national constitutions. Nevertheless, in ASEAN countries, such as Lao PDR, The Philippines, and Thailand, the provisions of non-discrimination based on gender are absent (De Vido, 2017). Southeast Asia, which are nonetheless more concerned on issues of physical violence or abuses against women and least focus on political and security rights of women, are listed as the region which have a higher level of violence compared to other regions, inter alia, Europe and Western Pacific according to World Health Organization (De Vido, 2017). Undeniably, physical violence within ASEAN countries is largely present, even more significantly it suffers a

person from one ASEAN countries and the incident occurs in other ASEAN countries. For instance, Indonesia's women migrant workers or so-called TKI who works outside Indonesia are found physically abused in Malaysia (Yasinta, 2018). This fact sounds tragic and resonances an idea to the need of more integrated policy in terms of guaranteeing migrant workers working around ASEAN's countries. If it has already set out, this needs to fully implement to guarantee the rights of women's migrant workers.

Inequality in political participation for women is also an important part. Female participation in politics in Southeast Asia should also be taken into account. The ASEAN Development Bank Data has provided a comprehensive and detailed data regarding women's representation in the political sphere, especially in female participation in national parliament and administrative organizations. This part will be clearly explained in the ensuing subsection, which is closely related to state level analysis that is Myanmar. Female participation in ASEAN member countries is undeniably necessary to be addressed. However, as discussed in the introduction part, ASEAN, as a regional-based institution, arguably has more concerned and more systematic approach for addressing the issue of women's rights in the area of violence against women, which are specific to the physical and psychological violence against women.

ASEAN's Attempts for Women's Rights in Southeast Asia

This part appears as a supporting component to support our analysis part regarding securitization process in women's rights in ASEAN in the ensuing part. ASEAN's means in promoting and guaranteeing women's rights could be interpreted as an avid commitment to raise the issue. A set of commitments, declarations, work plan, and concrete mechanism have been attempted to promote the urgency of women's rights and to securitize the related issue, at the same time. ASEAN, as a regional-based organization, has put concern on women's rights long before the Vienna and Beijing Declaration, showing the first move through the establishment of ASEAN Committee on Women (ACW) in 1976.

ACW has been the oldest existing women's body in ASEAN that put efforts to eliminate violence against women in the region (LSE Centre for Women, Peace, and Security, 2016). Its mandate is to implement, coordinate and monitor the implementation of ASEAN's key regional priorities and cooperation on women's issues (ASEAN, 2015). The 2011-2015 Work Plan has again prioritized violence against women in the context of women discrimination and sexual minorities, particularly ethnic minority and women with disabilities, indicating physical matters.

Actions planned by ACW are also the result of strong commitment to the Declaration on the Advancement of Women in 1988, which spearheaded subsequent declarations regarding women advancement

in the region. This declaration has been declared, agreed, and signed by the Minister of Foreign Affairs of Brunei Darussalam, the Minister of Foreign Affairs of the Republic of Indonesia, the Minister of Foreign Affairs of Malaysia, the Secretary of Foreign Affairs of the Republic of the Philippines, the Minister of Foreign Affairs of the Republic of Singapore, and the Minister of Foreign Affairs of the Kingdom of Thailand (ASEAN, 2012b). Six member countries have committed to it. Normally, actors taken in charge for gathering, creating, and declaring agreement at the regional level are at least ministries who are in charge in foreign affairs. Under ACW 2011-2015 Work Plan, the body convened Regional Conference in the context of the Prevention of Gender-Based Violence in Philippines in 2012, organized Regional Workshop on Strengthening National Capacities to collect violence against women statistics in the ASEAN Region in Jakarta in 2012, and many others (ASEAN, 2015).

In 1990s, ASEAN had not shown any concrete actions to further develop its commitment on guaranteeing women's rights. Nonetheless, in the 2000s, notable attempts have emerged and brought a significant movement for guaranteeing women's rights in the region. ASEAN Declaration on the Violation against Women has again been reaffirmed and declared in 2004 and in 2009 by the ministers of foreign affairs of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the

Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam (ASEAN, 2012c).

The realization of human rights institutionalization in ASEAN has been shown through the establishment of ASEAN Intergovernmental Commission on Human Rights (AICHR) on 23 October 2009, subsequent to the pronouncement of Article 14 of the Charter of ASEAN Charter which is finally legally binding to all ASEAN's countries to commit on the promotion of human rights, including women's rights without exception. AICHR is aimed to develop an ASEAN Human Rights Declaration, enhances capacity building and public awareness of human rights through education, research and dissemination of information, provides advisory services, and carries out thematic studies of human rights issues in ASEAN (Hsien Li, 2011). It is critical to say that this body has no power to do investigations or give sanctions.

In 2010, the Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children has been declared and adopted at the 17th ASEAN Summit on 28 October by the Head of States or Government of 10 member countries, and at the same year, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) has also been established. Similar to ACW, ACWC also has the first concrete work plan named ACWC Work Plan 2012-2016. Here, ACWC undertook a series of attempts to promote

women's rights through the convention in the implementation of CEDAW and CRC in ASEAN in 2013 in Viet Nam, published the ASEAN Good Practices in Eliminating Violence Against Women and Eliminating Violence against Children in 2014 by Malaysia, conducted annual public campaign to stop violence against women led by Thailand, conducted workshop, developed the Gender Sensitive Guidelines for Handling Women Victims Trafficking in Person led by Brunei Darussalam, and other normative means that have been done (ASEAN, 2015). In 2011, the 2011-2015 Work Plan for Women's Advancement and Gender Equality has also been established to strengthen ASEAN's commitment on gender equality and the development of women (ASEAN, 2012a). In 2013, the Leaders of member countries have adopted ASEAN Regional Plan of Action on the Elimination of Violence against Women (ASEAN RPA on EVAW) (ASEAN, 2015).

Regardless of ASEAN's constant commitment to promote women's rights in the region, there are three criticisms blooming up, a) what ASEAN has attempted through declarations, institutionalization, and a more systematic and clearer work plan under ACW and ACWC tend to be normative, meaning that means taken are considerably soft and relatively addressed to the governmental or state actors in which various actions to the grass root are still expected; b) in the attempts to promote women's rights through several instruments within ASEAN, member countries play a considerable role. It is seen through a set

of workshop, conference, or initiative that have been led by one of the member states; and c) it is self-evident that declarations were again emerged in the early 2000s and the concrete actions through work plans and a human rights body under AICHR have also been strengthened in the early 2000s. The underlying reason behind a stronger commitment of ASEAN is that the guarantee of human rights, particularly safeguarding the rights and welfare of women has become ASEAN's priority in the realization of ASEAN Socio-Cultural Community, one of three pillars of ASEAN Community. It is also known that all member countries have pledged to establish ASEAN Community by 2020 – which has later been shortened to 2015 – in 2003 under the Declaration of ASEAN Concord II or Bali Concord II.

Asean's Influence and Burmese Domestic Condition and Its Attempts On Women's Rights

Since 2011, Myanmar has been in a rapid transition of political and economic sphere, which is in line with triple- reform agenda, namely political reform, economic reform, national reconciliation. These reforms are expected to be a positive sign of the more democratic Myanmar as these reforms focus on some principal issues,

“[...] as democratic governance and the rule of law; national unity and peace via reconciliation between the political parties and ethnic armed organizations; market oriented economic adjustments, government institution; collaboration with the international community and Myanmar's diaspora; and removal of media censorship” (UN WOMEN, 2016).

In general, Myanmar's attempts to promote human rights, some are particular

in women's right protection, can be seen from three important aspects. First, it can be seen from its reforms agenda, such as the Framework for Economic and Social Reforms, the Comprehensive National Development Plan (2011-2030), the 2008 Constitution and the National Strategic Plan for the Advancement of Women (2013-2022). Second, Myanmar's commitment to guarantee the women's rights are shown by signing and ratifying agreements on women rights protection, such as Committee on the Elimination of Discrimination Against Women (CEDAW) 1979, the Convention on the Rights of the Child 1989, Beijing Declaration and Platform for Action 1995, the International Conference on Population and Development Program of Action 1994, the Millennium Development Goals 2000, and the ASEAN Committee on Women. As mentioned above, Myanmar has also joined with and committed to the ASEAN Declaration on the Violation against Women in 2004 and 2009 and the Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children. These indicated that Myanmar has also diffused the norms and values on guaranteeing women's rights from ASEAN.

Lastly, Myanmar has its own institutional mechanism for gender mainstreaming under the overall leadership of the Ministry of Social Welfare, Relief and Resettlement, Department of Social Welfare. The special agency is Myanmar National Committee for Women's Affairs, which was created in 1996. The committee is assisted by Myanmar Women's Affairs

Federation, which is recognized by the government as an NGO. The NGO has all the responsibilities to support the committee in line with CEDAW and Beijing Action Platform. Under this committee, there are three boards, namely Myanmar Maternal and Child Welfare Association, Myanmar Women and Children Development Foundation, as well as Myanmar Women Entrepreneurs' Association.

Nevertheless, the gender inequality remains to be one of the most challenging issues. As ADB reported,

“Global and regional indices and national data reflect continuing gender inequalities in Myanmar. The 2013 Gender Inequality Index ranked Myanmar 83rd of 187 countries, while the 2012 Social Institutions and Gender Index placed the country at 44th of 86 countries and 8th of nine countries in East Asia and the Pacific” (UN WOMEN, 2016).

As Myanmar is struggling to attain democratization, parliament is a central part. It is bridge for the citizens and government to interact and also to make sure that the government heads to the direction which the people prefer or at least to the direction which is good for the welfare for the society. Myanmar has national parliaments and regional parliament. Two parliaments at national level are the *Pyithu hluttaw* (lower house) and *Amyotha hluttaw* (upper house). These two houses are collectively referred as Pyidaungsu hluttaw. The *Pyithu hluttaw* is designed to have 330 elected members, and 110 MP that are appointed by the military. Elected members in the *Pyithu hluttaw* each represents one of Myanmar's 330 Townships. The *Amyotha hluttaw* has 168 elected members (it comes from 14

states and each state is represented by 12 elected members) and 56 members that are appointed by the military. Meanwhile State/region hluttaws have two elected members per township and military appointees constitute an additional group equal to 25% (or slightly higher) of total member. Currently the military has appointed 110 members in the *Pyithu hluttaw* and there are only two women appointees (UN WOMEN, 2016).

Since President Thein Sein came into power, the statistic shows that women occupied only a small number of directly elected seats in all levels of parliaments in 2012, which is 4.6%. Later in 2015 it increased to 12.9%. Though an improvement, the number is still low when compared with Cambodia (21.1% in its Lower House). Meanwhile the Lao People’s Democratic Republic and Vietnam have 25.2% and 25.8% respectively (UN WOMEN, 2016).

Myanmar is also still far below the target stipulated in the Beijing Framework for Action to achieve a “critical mass” of women’s representation which requires 30% of women participation. Available data showed by the report of the ADB showed confirm that women are relatively well represented in state administrative organizations, albeit with a greater concentration at the lower levels. In line with that, according to the 2014 Myanmar Development Research Institute and The Asia Foundation report, more than 16,473 villages administrators nationwide in 2012, only 19 were women, constituting about

0.1% of the total (UN WOMEN, 2016).

Table 1. Women’s Representation in Myanmar’s Hluttaws 1948 to January 2016

Period	Total Number of Seats	Number of Seats Held by Women	% of Seats Held by Women
1948-50	255	7-8	2,7%-3,1%
1951-52	380	8	2,1%
1953-56	375	2	0,5%
1957-61	375	2-4	1,1%
1974-87	444-489	7-15	1,5%-3,1%
2011-Mar 2012	659	18	2,7%
April 2012-Dec 2013	657	30	4,6%
Jan 2014-Jan 2016	657	32	4,9%

Source: Gender Equality Network on Gender & Politics in Myanmar: Women and Men Candidates in the 2015 Election, August 2017.

In addition, women’s representation in the National Hluttaws remains low as 10.5%. Women make up only 1 in 10 of Myanmar’s parliament members and Myanmar is ranked 159 out of 191 countries on the proportion of national-level parliamentary that are women. Compared to the average of global and Asian percentage, it lags behind. The global average for women’s participation in national parliament is 23.3%, meanwhile the Asian average is 19.4% (Gender Equality Network, 2017). After November 2015 election, the number of women in parliament in Myanmar is indeed more than double. Nevertheless, there are only a very few women in senior political positions. Thus, it is obvious that women and girls in Myanmar are still

struggling to take participation in public decision-making process. In another case, there is only a small number of women officers in the Myanmar Police force which comprise 3.4% of total personnel (AGIPP, 2015). On the other hand, until October 2013, women could join the military for only entirely feminized roles, such as nurses, secretaries, and support staff (The Asia Foundation, 2014a).

Some of the reasons are, first there is contradictory included the laws and policies. In the 2008 Constitution contains provisions that directly and indirectly discriminate against women. In the Article 352, the Constitution states that in appointing personnel for civil services, there must be not any discrimination on the basis of sex, yet it continues that “nothing in the section shall prevent appointment of men to the positions that are suitable for men only” (Gender Equality Network and Global Justice Center, 2016). Second, the institutions, which are created to reduce the discrimination against women, are ineffective and not legitimate enough. They are under resourced and lack of autonomy. As cited from the paper of Gender Equality Network,

“The 2013 National Strategic Plan for the Advancement of Women (NASPAW) has not promoted or protected women’s rights and the government still speaks of NSPAW implementation in the future [...] Meanwhile MNCWA and MWAF do not have an independent mandate and have not focused on strong advocacy for women’s rights... The Myanmar National Human Rights Commission (MNHCR) does not have an adequate or budgetary authority and is not independent from government interference (Gender Equality Network and Global Justice Center, 2016).

The design of a country’s electoral system in Myanmar can influence men’s and women’s likelihood of becoming a member of parliament (Franceschet, 2011). In Myanmar constitution, the military is given privilege to appoint members with minimum 25% of seats in both Union and State/Region Hluthaws. From that percentage, there are only two women at Union Level and two women at State/Region level. Thus, the reservation for the military is considered to decrease the gender equality statistical in Myanmar’s parliament (Gender Equality Network, 2017).

Apart from that, a fundamental problem becomes an obstacle in the process of democracy in Myanmar. As the country is facing many ethnicity and religious conflicts, it also influences the amount of voters. For example, there are proofs that armed groups in some areas of Kachin States and Shan States intimidated their local political rivals (Gender Equality Network, 2017). Around 500,000 voters (largely non- Bamar ethnic) in Bago Region, Kachin State, Mon State, and Shan State did not get the rights to vote due to security reasons. However, the authorities found the regions were not accessible, and thus they were not able to check the voters lists (Transnational Institute, 2015). Moreover, the tension in Rakhine States caused hundreds of thousands of people lost their opportunity to vote. In March 2015, the government canceled the “White Card” forms of identification that many Muslims held. The voting rights was only granted for those who are defined as full citizens under

the 1982 citizenship law ([Transnational Institute, 2015](#)).

Beside this structural block, there is also socialized psychological impediment that challenges women's participation in certain sectors or occupation. Women who are participating in the public sphere are mostly ridiculed, intimidated, violated, especially when they speak out controversial issues ([AGIPP, 2015](#)). The fact is that despite women's political participation leakage, women in Myanmar also experience physical and psychological violence in which these issues are the primary concern of ASEAN in committing to promote women's rights. There is also increasing threat of cyber-related crime with frequent attack on women public figure ([Mc Gregor, 2015](#)).

Women and girls in Myanmar are socially obligated to be in charge in the charge of household and other caring responsibilities only. The wide society still believes that men and women will function as men are the leaders and women play effective roles in supporting them by entrenching in daily or domestic life. A survey held by the Asia Foundation found that 42% of the respondents agreed with the division of men and women sphere as mentioned above. There was almost no difference between male and female; only slight differences between citizens living in rural and urban areas; and no major differences between regions ([Gender Equality Network, 2017](#)). The effect of this cultural norms and biases toward women's political participation in Myanmar has

been analyzed in some existing research. These things have led so to some arguable or irrelevant reasons for why Myanmar has only few women in its political sphere. The perception spread in the society is therefore undermines the capacity of women, resulting in many women lacking confidence to claim space ([The Asia Foundation, 2014b](#)).

A study released by Gender Equality Network, showed that a male candidate for parliament was interviewed by the NGO claimed that men and women candidates are so different, referred to the education gap in favor of men, justifying his opposition to gender quotas. Furthermore, women candidates were also being opposed from her male colleagues as women will not be able to deal with night-time emergencies ([Saning, 2014](#)). In addition, low levels of education and poor quality education also inhibit women from participating in the political issues. As noted by Gasser,

“... social and cultural pressure, along with years of exclusion, is impacting Myanmar men's and women's attitudes towards the current support and the feeling of being powerless are also important factors restraining women from playing a meaningful role in the current context”

([Gender Equality Network, 2017](#)).

With the obstacles from social norms and educational disparity, it seems to be difficult for the women to gain any support, or even self-confidence to effectively raise their stance in the political domains. Women frequently have to do so much more than men to convince others that they are qualified to be leaders. Women in Myanmar who are able to do so are exceptional in multiple ways. For example, the victory of

Daw Aung San Suu Kyi, the most famous women political figures in 2015 Myanmar presidential election. While her capability as politicians is considerably, it seems difficult for her to attain her popularity right now if she did not come from a very popular political family (Harriden, 2012).

Securitization Theory And The Securitization Process Of Women's Rights

As stated in research methodology part, the use of securitization theory will be prominent in this paper. The process of securitizing women's rights issue has been obtained at the regional level, which is ASEAN. In this part, we will examine to what extent ASEAN has attempted to securitize women's rights utilizing securitization process developed by the Copenhagen School.

Before 1976 and the declaration in 1988, ASEAN arguably has less concern regarding the issue of women since this institution was established in 1967 – 10 years before the concern of women has emerged through the establishment of ACW. Thus, it can be argued that the securitization phase before 1976 was categorized as non-politicized in which the issue of women's rights had no involvement by any state or institutional actors and there was no formal decision mentioned in the scope of ASEAN. As the violence against women arose and human rights have become imperative value to be concerned, many actors including ASEAN and its member states embarked to put more focus in the issue. Especially in the 2000s, countries, international

organizations, regional organizations such as European Union (EU) and ASEAN have started to be more aware of women's rights under the frame of gender equality. It is shown on the robust commitment under Sustainable Development Goals (SDGs) in which Goal 5 is the commitment to achieve gender equality.

Throughout the declarations and commitments in terms of guaranteeing women's rights mostly in the shape of violation against women in 1988, 2004, 2009, and 2010, it can be assumed that the ASEAN has stepped forward to the politicized stage in the process to securitize women's rights issue. At this point, this institution has emerged women's rights issues to be discussed and included in the ASEAN's agenda by which the declaration in 1988 and the commitment through the establishment of ACW in 1976 have become the first significant attempt to move the issue one step ahead to be politicized. This means that the issue has been considered by the ASEAN as an important issue. In this stage, the issue has been a part of ASEAN's agenda as the commitments have been declared and intergovernmental discussions and decisions regarding all issues related to women's rights will be taken. Elite actors played a prominent role. Elite actors in charged in declaring and signing the declarations were those who held the role with the similar level of ministries, mostly the Ministry of Foreign Affairs. The declarations, which led to step into the politicized stage, have been done by the ministries, which arguably have a power to gather attention from all

instruments of member states and citizens. Here, the practice of speech act or utterance by a powerful elite actor has been done. As stated in the theoretical framework, “an issue is labeled as a ‘security’ issue by an elite actor [...]” (Buzan et.al., 1998), and as Buzan stated,

“actors in a position of power are more likely to successful in securitizing by virtue of the added legitimacy of their position”
(Buzan et.al., 1998).

The gathered ministries declared and signed the declarations then published it on all digital platforms can be seen as a speech act to raise the issue of women’s rights to be securitized. One little example as a result is the presence of additional declarations in the future after the first move declaration in 1988.

Furthermore, the member countries are also obliged to execute the commitments in the shape of actions by which securitization process will lead to the last stage that is categorized as securitized. The last stage indicates the issue as an existential threat, requiring concrete actions. As the women’s rights issue emerged at the regional level, this gradually becomes an existential threat that systematic and clear actions should be formulated. At this stage, ASEAN, through some previous attempts on commitments and the establishment of women commission, has been successful to securitize women’s rights issue until it has been securitized. This has been shown through some concrete actions, which have been made, including, the establishment of AICHR in 2009 and ACWC in 2010 as the further execution of

the committed declarations, the 2011-2015 Work Plan on Violence against Women and the 2012-2016 ACWC Work Plan. Through the Work Plan made, there were a series of actions undertaken to raise attention on the importance to guarantee women’s rights.

However, as stated in the previous part, the actions did not touch the ground, meaning that society at large. The Work Plans have been supported by most of the member countries, indicating another important component in securitization process, which is acceptance. Through the involvement of member countries, for instance conducting annual public campaign to stop violence against women led by Thailand as a realization of ACWC Work Plan 2012-2016, this indicates that member countries have accepted the commitment and the need of securitizing the issue because they have assisted towards some progressive attempts to increase awareness on women’s rights. In short, ASEAN has attempted to securitize women’s rights until reaching the securitized stage. Actions and support from member countries have been developed, indicating that women’s rights issue have become existential threat that should be addressed.

Although it can be said that a significant progress as regards the protection of women’s rights in the regional level, ASEAN, has been obtained. Some scholars like Ciociari believed that it is a sign that the ASEAN members had already recognized the rights of women and children in international law (Ciocari, 2012). However, ASEAN still has the problem to execute

the agreement through some concrete mechanisms. There are some critics toward the implementation of the agreement stated by some scholars. ASEAN has been criticized as an “imitation community” because of the gaps between aspiration and regional reality (Jones & Michael, 2002).

The critics toward ASEAN are mostly centered at its non-interference agreement, which means the inability of ASEAN to fully ‘rules’ or ‘manages’ its members. Therefore, as shown above, the actions require consciousness or self-commitment from member countries because ASEAN, again, cannot manage its members and has a limited role to get involved in a domestic problem. It is also a turf question in terms of women’s protection in the region. As in Myanmar’s case, the obstacles are more of historical and institutionalized in the country’s system. Therefore, ASEAN with its non-intervention norms, cannot give sanction or at least direction for Myanmar to enhance the promotion of women’s rights in Myanmar. In 1995 before Myanmar came into ASEAN, Muthiah Alagappa has questioned the role of regionalism,

“Why, how, at what levels and within what limits can regionalism contribute to the preservation and enhancement of security? How does it relate to self-help and global approaches to enhancing security?” (Alagappa, 1995).

Nevertheless, the role of ASEAN in security sphere of the region, citing Alagappa’s statement, is effectively reducing the inter-state skirmishes as the members agreed to put aside their tensions and collaborate in a sense of common interests. It remains a

powerful force in conflict prevention and in the context of Myanmar, it is useful for the growing relations between Myanmar and other members (Helen, 2006). Generally, regionalism is beneficial for weak states like Myanmar. If Myanmar still wishes to enjoy the advantages of this regionalism, such as economic advantages in AFTA, Myanmar needs to strengthen its relations with other members and therefore, it must adopt the common norms and values. As cited from Helen James,

“This interdependence draws Myanmar leadership closer within ASEAN norms, exposes it to collective action and none too subtle persuasion to continue to move along the reform path, at least in public perception, as a means of strengthening regional cohesion.” (Helen, 2006).

As the challenges of women’s rights protection in Myanmar mostly come from domestic politics and institutions, ASEAN is indirectly reinforcing Myanmar to raise the issue by developing a sense of collective identity. This means that any norms and values adopted by the organization, Myanmar is obligated to fulfill the same ambition as the country is benefiting the regionalism. As Acharya mentioned,

“In the ASEAN context, collective identity may be understood as a process and framework through which its member states slowly began to adapt to a ‘regional existence’ with a view to reducing the likelihood of use of force in inter-state relations” (Acharya, 1998).

Therefore, to answer our research question, ASEAN has merely given an influence to its member countries to encourage them to raise attention to women’s rights. A concrete elaboration and argumentation at the state level has been clearly explained above,

showing evidence that ASEAN has only a limited role due to the non-interference principle held.

CLOSING

In doing so, at the regional level, ASEAN has undertaken certain attempts to guaranteeing women's rights in the region. Through securitization theory, it can be concluded that ASEAN has followed three important stages to lead the issue to be securitized. It is true that attempts taken by ASEAN have led to increase awareness of the institution and its member states in terms of women's rights. ASEAN has reached the last stage by showing its commitment to formulate and to realize the Work Plan and even more significantly, establishing an institutionalization for human rights, including women's rights principle inside through AICHR. The Work Plans themselves were implemented by member countries, indicating members' acceptance to securitize women's rights because the issue has been considered as an existential threat. Speech act has also been seen during the securitization process by which elite actors, in this case foreign ministers, have involved to show avid commitment on guaranteeing women's rights.

Going deeper to the state level, since 2011, Myanmar has been shifting its political interests from maintaining military regime to a more democratic government. There are numbers of attempts made by Myanmar to secure women's rights in the country. Nevertheless, the results have not

yet been significant enough to increase the women participation, especially in the political sphere. There are some obstacles which still block the pursuit. ASEAN with its non-interference norms is incapable to force Myanmar to commit with the ambitions. Nonetheless, as the country still wishes to enjoy more advantages given by the regionalism, ASEAN with its collective identity vision indirectly bolsters Myanmar to work more on its women's rights promotion and protection. Thus, it can be concluded that at the state level, ASEAN could only do a limited action to securitize women's rights, but it plays a notable role in influencing and encouraging Myanmar to guaranteeing women's rights.

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