



THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) UNDER SCRUTINY: A NEW REGIONAL ORGANIZATION FOR THE PROTECTION OF HUMAN RIGHTS AND THE PEACEFUL SETTLEMENT OF DISPUTES?

Amongst the numerous examples of regional integration established by treaty, the Association of South-East Asian Nations, better known as ASEAN, is one deserving interest for a number of different reasons. Recent events concerning the treatment of the *Rohingya* minority group on behalf of Burmese authority undoubtedly raised concerns worldwide and prompted the International Court of Justice to issue provisional measures. Even before the International Court judgment in the *Rohingya* case, both ASEAN as an international Organization and its States acting *uti singuli* have patently failed in affording their people the enjoyment of human rights. The article shows that ASEAN's shortcomings in promoting and protecting human rights are both substantial and procedural, clearly reflecting the distance from the European model, with an independent Court to protect citizens rights. A neutral judicial body would certainly be at the opposite side of the well-rooted doctrine of "ASEAN way", but this seems being the only way to give art. 5 of the ASEAN Human Rights Declaration (stating the right to an effective and enforceable remedy, to be determined by a Court) a full meaning.