

## TOWARDS A RECOGNISED RIGHT TO A SHARED CULTURE AT THE REGIONAL LEVEL: How Will ASEAN Address Diversity?

I Made Budi Arsika, I Nyoman Suyatna, Sagung Putri M.E Purwani  
Faculty of Law Udayana University, Indonesia  
Email: [budi\\_arsika@unud.ac.id](mailto:budi_arsika@unud.ac.id)

Received: April 29, 2024; Reviewed: May 30, 2024; Accepted: June 20, 2024;  
Published: June 30, 2024

### *Abstract*

*ASEAN documents have officially upheld the principle of unity in diversity and agreed on the spirit of one identity and community. However, there is a pronounced tendency for ASEAN countries to struggle with each other with several differences, including cultural tensions. This paper aims to analyse the possibility of recognising a regionally shared culture as jointly claimed collective cultural rights by taking the example of Intangible Cultural Heritage ICH. It is designed as legal research applying statutory, historical, conceptual, and comparative approaches. This research collects norms and principles covering the issues of ICH and cultural rights and conducts a literature study, suggesting that cultural rights, which represent the intersecting of cultural and human rights aspects, have yet to be fully understood as collective cultural rights. ICH is an example of how ASEAN countries are sometimes heated up in non-harmony relations. The possibility of recognising a regionally shared culture in the context of*

*collective cultural rights then, more or less, relies on the ongoing development of the Narrative of ASEAN Identity, the routine convening of human rights dialogues, and the initiation of the ASEAN Cultural Heritage List. These findings are then expected to be considered by ASEAN policymakers.*

*Dokumen-dokumen ASEAN mencatatkan iktikad untuk menjunjung tinggi prinsip persatuan dalam keberagaman dan menyepakati semangat satu identitas dan komunitas. Dalam kenyatannya, negara-negara anggota ASEAN justru bergelut dengan sejumlah persoalan antara negara yang satu dengan negara lainnya, termasuk mengenai ketegangan budaya. Artikel ini bertujuan untuk menganalisis kemungkinan mengakui budaya bersama secara regional sebagai hak budaya kolektif yang diklaim bersama dengan mengambil contoh warisan budaya tak benda (WBTB). Artikel ini dirancang sebagai penelitian hukum yang menggunakan pendekatan perundang-undangan, sejarah, konsep, dan perbandingan. Penelitian dilakukan dengan mengumpulkan norma-norma dan prinsip-prinsip yang mengatur isu WBTB dan hak budaya serta melakukan studi literatur. Artikel ini menyimpulkan bahwa hak budaya, yang mewakili persilangan antara aspek budaya dan hak asasi manusia (HAM), belum sepenuhnya dipahami sebagai hak budaya kolektif. WBTB menjadi contoh bagaimana negara-negara ASEAN terkadang berada dalam hubungan yang tidak harmonis antara satu dengan lainnya. Adapun kemungkinan untuk mengakui budaya bersama secara regional dalam konteks hak budaya kolektif dapat disandarkan pada pengembangan Narasi Identitas ASEAN, penyelenggaraan dialog HAM secara rutin, dan upaya pembentukan Daftar Warisan Budaya ASEAN. Temuan-temuan ini diharapkan dapat dipertimbangkan oleh para pengambil kebijakan di ASEAN.*

**Keywords:** *ASEAN, cultural rights, intangible cultural heritage, shared culture.*

## Introduction

ASEAN, a regional organisation with ten member states and a population of 665 million, is a living testament to the phrase 'unity in diversity'. This unity is reflected in the wide range of kinship systems, cultures, traditions, religions, and polities that thrive in the Southeast Asian region.<sup>1</sup> In terms of religion, Southeast Asia is a harmonious blend of various faiths. Islam, the largest religion, coexists with Buddhism, Christianity, Catholicism, Hinduism, Confucianism, and local beliefs, creating a unique religious landscape.<sup>2</sup> This region, known for its diverse races and ethnicities, is also a linguistic treasure trove, with multiple languages rooted in the following primary language families: Sino-Tibetan, Tai, Hmong-Mien, Austro-Asiatic, and Austronesian.<sup>3</sup> Countries in this region have admitted the enormous value of their affluent cultural heritage in shaping their identity.<sup>4</sup> When establishing ASEAN in 1967, the leaders realised that the Southeast Asian region had already been tightly connected by history and culture, which was then used as a basis to formulate the ASEAN's purposes, among others, to accelerate cultural development in the region through joint endeavours and promote active

---

<sup>1</sup> See ASEAN Indonesia, "Interesting Facts and Data about the ASEAN Region," <https://asean2023.id/en/news/interesting-facts-and-data-about-the-asean-region> ; Asrizal Saiin et al , "The Property Rights Regulation, Semenda Marriage, and Exploring the Determinants in ASEAN Countries," *Journal of Human Rights, Culture and Legal System* 3, No. 2 (July 2023): 148, <https://doi.org/10.53955/jhcls.v3i2.68> ; and Vitit Muntarbhorn, *Development of The ASEAN Human Rights Mechanism*, Briefing Paper (Brussel: Directorate-General for External Policies of the Union, the European Union, 2012), 6, <https://doi.org/10.2861/49347>

<sup>2</sup> See Imtiyaz Yusuf, "Managing Religious and Ethnic Diversity for Peace and Harmony: Islam and Buddhism in the Malay World of South East Asia," *Journal of Malay Islamic Studies* 1, No. 2 (December 2017): 129. Pp. 129-140, <https://doi.org/10.19109/jmis.v1i2.3835129> and Reingex, "ASEAN Religious Diversity. Strength or Threat?," <https://en.reingex.com/ASEAN-Religion.shtml>

<sup>3</sup> See Laurent Sagart, "Language Families of Southeast Asia," in *The Oxford Handbook of Early Southeast Asia*, ed. Charles F.W. Higham and Nam C. Kim (New York: Oxford University Press, 2022), 321-338. <https://doi.org/10.1093/oxfordhb/9780199355358.013.7> and Britannica, "People of Southeast Asia," <https://www.britannica.com/place/Southeast-Asia/People>

<sup>4</sup> Lili Yulyadi Arnakim et.al, "Tourism in ASEAN: A Catalyst for Regional Integration," *Journal of ASEAN Studies* 11, no.1(2023): 2, <https://doi.org/10.21512/jas.v11i1.10506>

cooperation in the cultural field as matters of common interest.<sup>5</sup>

The idea of culture also comes up in the context of political relations and diplomacy between countries.<sup>6</sup> ASEAN countries struggled with each other with several differences, including cultural tensions. For example, Thailand and Cambodia share similarities in culture, race, ethnicity, and religion. However, the two countries cannot resolve their territorial-based ownership claim over the Buddhist temple of Preah Vihear through bilateral means.<sup>7</sup> The case was lodged before the International Court of Justice (ICJ) in 1959, and in 1962, the Court decided the temple belonged to Cambodia.<sup>8</sup> The Court disregarded the physical, historical, religious, and archaeological characters which the parties argued as legally decisive,<sup>9</sup> except in the Separate Opinion of Sir Gerald Fitzmaurice, who considers the topographical, historical, and cultural character.<sup>10</sup>

For decades, Indonesia and Malaysia have been involved in 'never-ending' conflicting tensions regarding cultural heritage claims, making their government troublesome and heating up the relationship between their peoples. Both the Indonesian government and people have repeatedly felt provoked due to Malaysian claims on the (joint) ownership of some performing arts, i.e., Javanese Wayang Kulit/Shadow Puppet Reog Ponorogo dance, Balinese Pendet dance; two-dimensional works of art, i.e., Javanese Batik handicraft; folk song, i.e., Rasa Sayange; traditional music instruments,

---

<sup>5</sup> The ASEAN Declaration (Bangkok Declaration), 8 Agustus 1967, Preamble, para 3 and Declaration para Second (1) and (3). <https://agreement.asean.org/media/download/20140117154159.pdf>

<sup>6</sup> Dwi Ardhanariswari Sundrijo, *Regionalizing Global Human Rights Norms in Southeast Asia* (Cham, Palgrave Macmillan, 2021), 41.

<sup>7</sup> Herning Setyowati and Alma Nurulita, "The Role of ASEAN in Dispute Resolution Between Thailand and Cambodia," *International Law Discourse in Southeast Asia* 2, No. 1 (2023): 163, <https://doi.org/10.15294/ildisea.v2i1.66152>

<sup>8</sup> Case concerning the Temple of Preah Vihear (Cambodia v. Thailand), Merits, Judgment of 15 June 1962: I.C.J. Reports 1962, p. 6., 34, <https://www.icj-cij.org/sites/default/files/case-related/45/045-19620615-JUD-01-00-EN.pdf>

<sup>9</sup> Case concerning the Temple of Preah Vihear (Cambodia v. Thailand), Merits, Judgment of 15 June 1962: I.C.J. Reports 1962, p. 6., 13, <https://www.icj-cij.org/sites/default/files/case-related/45/045-19620615-JUD-01-00-EN.pdf>

<sup>10</sup> Case concerning the Temple of Preah Vihear (Cambodia v. Thailand), Merits, Judgment of 15 June 1962: I.C.J. Reports 1962, p. 6. Separate Opinion of Sir Gerald Fitzmaurice, <https://www.icj-cij.org/sites/default/files/case-related/45/045-19620615-JUD-01-03-EN.pdf>

i.e., Sundanese angklung and Javanese gamelan; literature work i.e., Malay verse (oral-tradition) of pantun; and culinary arts (i.e. Minangnese rendang).<sup>11</sup> The problem becomes more problematic when one of the countries registered ICH before the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage (ICH Committee) of the United Nations Educational, Scientific and Cultural Organization (UNESCO), which usually triggers a protest reaction from both the government and its respective people. Tensions between Indonesia and Malaysia's shared cultural heritage can be categorised into bilateral dispute, conflict response, and cultural diplomacy.<sup>12</sup> The ICH listing in UNESCO undeniably affects competition among States, narrows countries' nationalism, reformulates ICH elements based on political or economic agendas, and incites conflicts on common or similar elements.<sup>13</sup>

The above phenomena raise a concern about the possibility of ASEAN countries compromising shared collective cultural rights over cultural heritage instead of insisting on a unilateral claim over ownership and utilising culture exclusively as economic resources. Cultural rights reflect two elements: the culture itself, which is developed by human beings, and human rights, which cover the respect, protection, and fulfilment of cultural rights. This notion may be dragged in the context of the scope of ASEAN activities: cultural cooperation under the Socio-Cultural Community pillar and the implementation of cultural rights as part of ASEAN human rights cooperation under the Political-Security Community pillar.

This paper, therefore, aims to analyse the possibility of recognising a regionally shared culture to be jointly claimed as collective cultural rights by taking the example of ICH. The structure of the paper is outlined as follows.

---

<sup>11</sup> See Shella Hajura, "Shared Heritage Diplomacy of Indonesia and Malaysia as Soft Power in The Southeast Asia Region," *Jurnal Hubungan Internasional* 10, No. 2 (January 2022): 85, <https://doi.org/10.18196/jhi.v10i2.12194> ; Agus Setiawan, "Perlindungan Hukum Dalam Lingkup Pengetahuan Tradisional dan Ekspresi Budaya Tradisional atas Soto Sebagai Indikasi Geografis dan Makanan Khas Nusantara," *Dharmasiswa Jurnal Program Magister Hukum FHUI* 2, No. 1 (March 2022): 229-230, <https://scholarhub.ui.ac.id/dharmasiswa/vol2/iss1/18>

<sup>12</sup> Shella Hajura, "Shared Heritage Diplomacy of Indonesia and Malaysia as Soft Power in The Southeast Asia Region," *Jurnal Hubungan Internasional* 10, no. 2 (January 2022): 85, <https://doi.org/10.18196/jhi.v10i2.12194>

<sup>13</sup> Ahmed Skounti, "The Intangible Cultural Heritage System: Many Challenges, Few Proposals," *Santander Art and Culture Law Review* 2, no.3 (2017): 69, <https://doi.org/10.4467/2450050XSNR.17.022.8423>

First of all, it clarifies the conceptual meaning behind the terms cultural rights and collective rights in the context of ASEAN Communities. Next, it scrutinizes how ASEAN human rights instruments and institutions cover cultural rights issues. The subsequent part reveals the main goals of ASEAN cultural cooperation and the relevant institutions that play a role in such cooperation. The analysis then turns into how ASEAN and its members uphold the universal norms of ICH as stipulated in the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (the ICH Convention). Moreover, to enrich the understanding of how regional organisations deal with cultural rights in the context of ICH, this paper offers a comparative insight by explaining the progress made by the Economic Community of West African States (ECOWAS) and League of Arab States (Arab League). The Author's ideas in contemplating the findings of the studies are then reflected in a sub-section titled 'The Way Forward,' which submits three arguments on the Narrative of ASEAN Identity, human rights dialogues, and the initiation of the ASEAN Cultural Heritage List (ACHL).

Several previous studies have analysed the issues discussed in this paper. Arundhati, Ulum, and Afera refer to ASEAN Charter provisions which aim to advance the ASEAN identity by raising greater awareness of Southeast Asian cultural diversity and heritage.<sup>14</sup> Hsu implied that the wide variety of cultures does not prevent countries in the world from valuing the universality of human rights due to the stipulation of the concept of human dignity in major international instruments.<sup>15</sup> Wahyuningrum revealed that when human rights issues began to be discussed in ASEAN, there was an understanding that the human rights framework should take into account cultural and historical differences and socio-economic conditions in each ASEAN member.<sup>16</sup> Thio studies that cultural values affect the ASEAN states' implementation

---

<sup>14</sup> Gautama Budi Arundhati, Muhammad Bahrul Ulum, and Gebrekiros Goytom Afera, "ASEAN Integration in the Context of Disaster Management," *Lentera Hukum* 9, no. 3 (December 2022): 480-481, <https://doi.org/10.19184/ejlh.v9i3.30546>

<sup>15</sup> Jimmy Chia-Shin Hsu, "Human Dignity, Human Rights, and Cultural Change in Asia," in *Human Dignity in Asia: Dialogue between Law and Culture*, ed. Jimmy Chia-Shin Hsu (Cambridge: Cambridge University Press, 2022), 1, <https://doi.org/10.1017/9781108886598.002>

<sup>16</sup> Yuyun Wahyuningrum, "A Decade of Institutionalizing Human Rights in ASEAN: Progress and Challenges," *Journal of Human Rights* 20, No.2 (2021): 159, <https://doi.org/10.1080/14754835.2021.1875811>

of binding and non-binding human rights instruments. However, since human rights projects involve normative relations involving individuals, states, and actors in international fora, pluralism in multicultural societies cannot be used to hamper human rights.<sup>17</sup> As discussed by Abdulla, human rights advocates tend to distinguish culture and religion when reflecting on some practices of culture and/or religion from the perspective of freedom of religion and belief.<sup>18</sup> Arnakim et al. assessed that the close connection between culture and the tourism industry encourages ASEAN countries to address cultural diversities as common challenges through cooperation and best practices lesson-learned industries.<sup>19</sup> Meanwhile, Salain, Isles, Wairocana argued that there is a need to regulate culture as tourism economic resources.<sup>20</sup>

### Research Methods

This paper is designed as legal research that analyses legal materials related to the issues discussed. It applies four approaches, i.e. statutory approach to present legal analysis based on written legal instruments, historical approach to trace the historical developments in the field of culture and human rights in ASEAN, conceptual approach to analyse the concepts of ICH and cultural rights, and a comparative approach to compare the regulating model of ICH and cultural rights between ASEAN and other regional organisations.

The research meticulously collected norms and principles that cover the issue of ICH and cultural rights as stipulated in international instruments, both binding and nonbinding character. Those norms and principles are subsequently interpreted using three approaches. First is a textual approach,

---

<sup>17</sup> Li-ann Thio, 'Implementing Human Rights in ASEAN Countries: "Promises to Keep and Miles to Go before I sleep,"' *Yale Human Rights and Development Journal* 2, No.1 (1999): 15-16. [https://digitalcommons.law.yale.edu/yhrdlj/vol2/iss1/1?utm\\_source=digitalcommons.law.yale.edu%2Fyhrdlj%2Fvol2%2Fiss1%2F1&utm\\_medium=PDF&utm\\_campaign=PDFCoverPages](https://digitalcommons.law.yale.edu/yhrdlj/vol2/iss1/1?utm_source=digitalcommons.law.yale.edu%2Fyhrdlj%2Fvol2%2Fiss1%2F1&utm_medium=PDF&utm_campaign=PDFCoverPages)

<sup>18</sup> Mariam Rawan Abdulla, "Culture, Religion, and Freedom of Religion or Belief," *The Review of Faith & International Affairs* 16, No.4 (2018): 113, <https://doi.org/10.1080/15570274.2018.1535033>

<sup>19</sup> Lili Yulyadi Arnakim et.al, "Tourism in ASEAN: A Catalyst for Regional Integration," *Journal of ASEAN Studies* 11, No.1(2023): 2, <https://doi.org/10.21512/jas.v11i1.10506>

<sup>20</sup> Made Suksma Prijandhini Devi Salain, David Isles, and I Gusti Ngurah Wairocana, "Regulating Indigenous Culture as a Tourism Economic Resource," *Udayana Journal of Law and Culture* 1, no. 2 (2017): 130, <https://doi.org/10.24843/UJLC.2017.v01.i02.p03>



which focuses on the language of the norms and principles. Second, the subjective approach interprets the norms and principles from the willingness and expectation of states that initiated, signed, and adopted the instruments. Thirdly, the teleological approach scrutinises the meaning of the norms and principles by analysing the object and purpose of the instruments.<sup>21</sup> This research also applies literature studies by exploring information, opinions, and scientific studies regarding the topics discussed obtained from journal articles, reports, journalistic articles, and website content. Interviews were conducted to clarify the contextual meaning of norms and principles stipulated in ASEAN instruments.

### Defining Terms: Cultural Rights, Collective Rights, and Intangible Cultural Heritage

UNESCO conceives culture as "the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs."<sup>22</sup> The Special Rapporteurs in the field of cultural rights emphasised the universal character of cultural rights by asserting that all people and all peoples have culture, not merely certain categories or geographies of people.<sup>23</sup> Cultural rights are not unimportant, but they are less of a disturbance because cultural rights violations are few compared to other human rights violations. In translating cultural rights, it is necessary to identify the state's responsibilities in respecting, protecting, and fulfilling cultural rights. For example, regarding religious rights, the state must not interfere, but it actually needs to intervene to ensure that its citizens have a place to worship. In ASEAN, the term "culture" is not just culture as a culture but also includes practices, namely

---

<sup>21</sup> Regarding these three interpretation approaches, see Shai Dothan, "The Three Traditional Approaches to Treaty Interpretation: A Current Application to the European Court of Human Rights," *Fordham International Law Journal* 42, No.3 (2019): 766, <https://ir.lawnet.fordham.edu/ilj/vol42/iss3/2>

<sup>22</sup> UNESCO Universal Declaration on Cultural Diversity, Preamble, para 5, <https://unesdoc.unesco.org/ark:/48223/pf0000127162>

<sup>23</sup> United Nations Human Rights Council, Report of the Special Rapporteur in the Field of Cultural Rights A/HRC/40/53, 17 January 2019, para 16, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4053-cultural-rights-tenth-anniversary-report-report-special>



civilising, as observed from the ASEAN Declaration of the Culture of Prevention.<sup>24</sup>

Yvonne Donders defines cultural rights in a broad sense as “human rights that directly promote and protect the cultural interests of individuals and communities, and that are meant to advance their capacity to preserve, develop and change their cultural identity”. Cultural rights, therefore, serve as an umbrella notion that encompasses provisions containing rights that explicitly refer to culture (e.g. the right of everyone to take part in cultural life and the right of members of minorities to enjoy their own culture, practice their own religion and speak their own language) and rights that have a direct link with culture (e.g. the rights to freedom of religion and freedom of expression).<sup>25</sup> Donders also explains that the term collective rights covers the meaning of community rights (e.g. the right of peoples to self-determination and the rights of Indigenous peoples to self-determination and cultural autonomy), communal rights (e.g. the right of members of minorities to enjoy their own culture in community with the other members of their group and the right of migrant workers to manifest their religion either individually or in community with others), and individual rights with a collective dimension (e.g. the right to take part in cultural life and the right to education).<sup>26</sup>

Several international human rights instruments provide meaning to cultural rights. The narrow meaning is only limited to the rights recognised in Article 27 of the Universal Declaration of Human Rights (UDHR) and Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) while the broader meaning can be found in other human rights conventions, such as the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination Against

---

<sup>24</sup> Yuyun Wahyuningrum, “ASEAN Cultural Rights”, Interview by I Made Budi Arsika and I Nyoman Suyatna, Zoom Meeting, 18 October 2023.

<sup>25</sup> Yvonne Donders, “Foundations of Collective Cultural Rights in International Human Rights Law,” in *Cultural Rights as Collective Rights: An International Law Perspective*, ed. Andrzej Jakubowski (Leiden: Brill Nijhoff, 2016), 90-91, [https://doi.org/10.1163/9789004312029\\_006](https://doi.org/10.1163/9789004312029_006)

<sup>26</sup> Yvonne Donders, “Foundations of Collective Cultural Rights in International Human Rights Law,” in *Cultural Rights as Collective Rights: An International Law Perspective*, ed. Andrzej Jakubowski (Leiden: Brill Nijhoff, 2016), 88-90, [https://doi.org/10.1163/9789004312029\\_006](https://doi.org/10.1163/9789004312029_006)

Women (CEDAW).<sup>27</sup> When contextualising the meaning of the right of everyone to take part in cultural life as stipulated in Article 15 (1) (a) of the ICESCR, the Committee on Economic, Social and Cultural Rights uses the term ‘intangible cultural goods’ rather than ICH in classifying languages, customs, traditions, beliefs, knowledge and history, as well as values, which make up identity and contribute to the cultural diversity of individuals and communities.<sup>28</sup>

However, Article 2 (1) of the ICH Convention defines ICH as “the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognise as part of their cultural heritage.” Article 2 (2) of the ICH Convention makes clear that ICH, among others, is manifested in oral traditions and expressions, including language as a vehicle of the intangible cultural heritage; performing arts; social practices, rituals and festive events; knowledge and practices concerning nature and the universe; and traditional craftsmanship. It specified the broader meaning of cultural heritage as provided in Article 1 of the Convention Concerning the Protection of the World Cultural and Natural Heritage, which classify cultural heritage into monuments, groups of buildings, and sites.

### **ASEAN Human Rights Instruments and Institutions: Do they Pay Attention to Cultural Rights?**

The ASEAN Human Rights Declaration (AHRD) is a non-legally binding document adopted in 2012, expected to give birth to the subsequent human rights treaties in ASEAN.<sup>29</sup> Yet, it covers both substantial political

---

<sup>27</sup> Athanasios Yupsanis, “The Concept and Categories of Cultural Rights in International Law - Their Broad Sense and the Relevant Clauses of the International Human Rights Treaties Name,” *Syracuse Journal of International Law and Commerce* 37, No.2 (2010): 217-219.

<sup>28</sup> Committee on Economic, Social and Cultural Rights E/C.12/GC/21 (2009), General comment No. 21 Right of Everyone to Take Part in Cultural Life (art. 15, para. 1 (a), of the International Covenant on Economic, Social and Cultural Rights), paras 16(a) and 70, <https://digitallibrary.un.org/record/679354?ln=en>

<sup>29</sup> Budi Hermawan Bangun, “ASEAN Intergovernmental Commission on Human Rights and Effectiveness of Fulfilling Human Rights Obligations of ASEAN Members States,” *Jambe Law Journal* 1, No.2 (2018): 232, <https://doi.org/10.22437/jlj.1.2.231-249>

weight and normative value.<sup>30</sup> The non-governmental organisations (NGOs) criticised both the procedure for creating AHRD, which limits access to their involvement,<sup>31</sup> and its content, which is regarded as failing to meet international human rights standards. They argued that it does not provide the deserved human rights standards for Southeast Asian people as enjoyed by those living in other regions worldwide.<sup>32</sup> They also regretted that AHRD had adopted Asian values, which obviously emphasised particularism and undermined universal human rights protection. Asian values, the doctrines inspired by religious values and beliefs in Asia, tend to refuse the universality of human rights due to the diversity of local or cultural values.<sup>33</sup> Asian countries' leaders stand on an argument that the rights must be implemented by taking into account the national and regional particularities and various historical, cultural and religious backgrounds.<sup>34</sup> Supporters of Asian values tend to argue that the inclusion of non-Asian values in the human rights norms entails that the norms are not always compatible with being applied in peculiar cultural contexts where other cultural values are still significantly influential.<sup>35</sup>

Article 7 of the AHRD, among others, reflects the ASEAN way mentality and indicates an unwillingness to relinquish the sovereignty of ASEAN members for the sake of endorsing universal human rights in the

---

<sup>30</sup> Arvhie Santos, "ASEAN'S Human Rights Promises and Pitfalls: is the ASEAN Effective in Advancing its Human Rights Agenda?," 23 November 2022, <https://asc.fisipol.ugm.ac.id/2022/11/23/6129/>

<sup>31</sup> Stanati Netipatalachoochote, Aurelia Colombi Ciacchi, and Ronald Holzhaecker, "Human Rights Norm Diffusion in Southeast Asia: Roles of Civil Society Organizations (CSOs) in Ending Extrajudicial Killings in the Philippines," *Journal of Southeast Asian Human Rights* 2, No. 1 (June 2018): 250, <https://doi.org/10.19184/jseahr.v1i2.6135>

<sup>32</sup> Reporting ASEAN, "Critics Slam Adoption of 'Flawed' ASEAN Rights Declaration," <https://www.reportingasean.net/critics-slam-adoption-of-flawed-asean-rights-declaration/>

<sup>33</sup> Rachminawati, "ASEAN Human Rights Declaration: A New Form of Universalism," *Indonesian Journal of International Law* 11, No. 3 (2014): 404-405. <https://doi.org/10.17304/ijil.vol11.3.504>

<sup>34</sup> Dissa Syakina Ahdanisa and Steven B. Rothman, "Revisiting International Human Rights Treaties: Comparing Asian and Western Efforts to Improve Human Rights," *SN Social Sciences* 1 (2021): 2. <https://doi.org/10.1007/s43545-020-00018-0>

<sup>35</sup> Li-ann Thio, "Implementing Human Rights in ASEAN Countries: "Promises to Keep and Miles to Go before I sleep," *Yale Human Rights and Development Journal* 2, No.1 (1999): 15. [https://digitalcommons.law.yale.edu/yhrdlj/vol2/iss1/1?utm\\_source=digitalcommons.law.yale.edu%2Fyhrdlj%2Fvol2%2Fiss1%2F1&utm\\_medium=PDF&utm\\_campaign=PDFCoverPages](https://digitalcommons.law.yale.edu/yhrdlj/vol2/iss1/1?utm_source=digitalcommons.law.yale.edu%2Fyhrdlj%2Fvol2%2Fiss1%2F1&utm_medium=PDF&utm_campaign=PDFCoverPages)

region.<sup>36</sup> It states that:

*“All human rights are universal, indivisible, interdependent and interrelated. All human rights and fundamental freedoms in this Declaration must be treated in a fair and equal manner, on the same footing and with the same emphasis. At the same time, the realisation of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds.”*

The last sentence of the article ‘allegedly’ decreases the universal human rights standards into a regional standard and allows ASEAN members to implement them based on their interests and situation. A living law approach views that the texts of human rights instruments should be contextualised, meaning that their interpretation evolves dynamically.<sup>37</sup>

The ASEAN Way reflects the common convenience of ASEAN countries. When one ASEAN member country has a specific initiative, it requires support or endorsement from other member countries.<sup>38</sup> Both the ASEAN Way and Asian Values were then regarded as barriers to the adoption of human rights norms by ASEAN.<sup>39</sup> They have led ASEAN to perceive human rights as merely an internal affair of each ASEAN country and deny them as universal values. Many ASEAN senior officials tend to believe that

---

<sup>36</sup> Mariam Sarwar, “Human Rights the “ASEAN Way”: Exploring the Possibilities for a Regional ADR and Adjudicative Body in Southeast Asia,” *Loyola Of Los Angeles Law Review* 52, No.1 (2018): 40, <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=3048&context=llr>

<sup>37</sup> Dissa Syakina Ahdanisa and Steven B. Rothman, “Revisiting International Human Rights Treaties: Comparing Asian and Western Efforts to Improve Human Rights,” *SN Social Sciences* 1 (2021): 4, <https://doi.org/10.1007/s43545-020-00018-0>

<sup>38</sup> Rayyanul M. Sangadji, “Indonesian Role on Human Rights Cooperation in ASEAN”, Interview by I Made Budi Arsika and I Nyoman Suyatna Directorate for ASEAN Political Security Cooperation, Ministry of Foreign Affairs of the Republic of Indonesia, Jakarta, 17 October 2023.

<sup>39</sup> Mariam Sarwar, “Human Rights the “ASEAN Way”: Exploring the Possibilities for a Regional ADR and Adjudicative Body in Southeast Asia,” *Loyola Of Los Angeles Law Review* 52, no.1 (2018): 35, <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=3048&context=llr>

human rights are framed by a society's basis of social values covering particular histories, traditions, cultures, and religions.<sup>40</sup>

However, Article 26 of the AHRD recognised cultural rights stipulated in UDHR. Further, Article 32 of the AHRD determines that “every person has the right, individually or in association with others, to freely take part in cultural life, to enjoy the arts and the benefits of scientific progress and its applications and to benefit from the protection of the moral and material interests resulting from any scientific, literary or appropriate artistic production of which one is the author.” Article 33 of the AHRD clarifies that ASEAN members should adopt measures to the maximum of their available resources to implement the cultural rights stipulated in the declaration in all respects.

The ASEAN Intergovernmental Commission on Human Rights (AICHR) was established based on Article 14 of the ASEAN Charter. AICHR is a consultative body, another example of the ASEAN way, which implies the ASEAN's reluctance to confer a solid institutional power to address human rights matters in the region.<sup>41</sup> The Terms of Reference (TOR) of the AICHR signalled the adherence of ASEAN to cultural relativism instead of universal human rights values and avoided any specific mechanism for providing human rights protection. The TOR, for instance, limits its own power by fully respecting “national and regional particularities and mutual respect for different historical, cultural and religious backgrounds.”<sup>42</sup> ASEAN Foreign Ministers approved the Five Year Work Plan of the AICHR 2021-2025 and support AICHR's contribution to building a people-oriented and people-centred ASEAN Community.<sup>43</sup> The Work Plan emphasises six focus

---

<sup>40</sup> Dwi Ardhanariswari Sundrijo, *Regionalizing Global Human Rights Norms in Southeast Asia* (Cham, Palgrave Macmillan, 2021), 45.

<sup>41</sup> Rachminawati, "Is The AICHR an Unwanted Human Rights Body in the ASEAN? The Answer from the International Organizational Law Perspective," *Padjadjaran Journal of International Law* 6, no.1 (August 2022): 48-49, <https://doi.org/10.23920/pjil.v6i1.814>

<sup>42</sup> Randy Wirasta Nandyatama, “Conclusion: Te Future of Human Rights in ASEAN,” in *The Evolution of The ASEAN Human Rights Mechanism: Institutional and Thematic Issues Within*, ed. Randy Wirasta Nandyatama, Dio Herdiawan Tobing, and Shah Suraj Bharat (Yogyakarta: ASEAN Studies Center Faculty Of Social And Political Sciences Universitas Gadjah Mada, 2019), 236.

<sup>43</sup> Joint Communiqué of the 53rd ASEAN Foreign Ministers' Meeting 9 September 2020, para 51. <https://asean.org/wp-content/uploads/2021/03/12.-FINAL-Joint-Communique-of-the-53rd-AMM.pdf>

areas that refer to AICHR mandates and APSC Blueprint 2025.<sup>44</sup> The Blueprint, among others, encourages AICHR to conduct research on thematic human rights issues, obtain information from ASEAN member States regarding human rights promotion and protection, and enhance public awareness of human rights among the peoples of ASEAN through publishing of AICHR activities regularly.<sup>45</sup> So far, AICHR has conducted a study on migration management for the most vulnerable groups and several thematic studies on the issues of legal aid, women in natural disasters, corporate social responsibility, the right to education, and juvenile justice.<sup>46</sup> The 43<sup>rd</sup> ASEAN Summit in Jakarta in September 2023 adopted the ASEAN Leaders' Declaration on ASEAN Human Rights Dialogue that underscored the importance of fostering a culture of dialogue in advancing the promotion and protection of human rights in the region. The Summit also accentuated the role of AICHR in engaging in dialogue and consultation to advance the promotion and protection of human rights in Southeast Asia.<sup>47</sup>

Human rights is a crosscutting theme across ASEAN Community building in the key areas of peace and security, sustainable development, humanitarian assistance, and economic, social and cultural affairs.<sup>48</sup> ASEAN Community is a 'fiction' imagining Southeast Asian countries and peoples as one community. The term community may be understood as a sense of shared identity, solidarity, and togetherness. Within ASEAN, the term "community" is generally interpreted as a "big family" and "under one roof". The formalising ASEAN community was officially begun in 2003 along with community-building efforts, as manifested in Bali Concord II, which determines ASEAN Community comprising of three pillars: political and security cooperation, economic cooperation, and socio-cultural cooperation.<sup>49</sup> In the context of

---

<sup>44</sup> Five Year Work Plan of the AICHR 2021-2025, Part IV.

<sup>45</sup> ASEAN Political Security Community 2025, Parts A.2.5.ix, A.2.5.x, and A.2.5.xi.

<sup>46</sup> AICHR, "Publications," <https://aichr.org/publications/>

<sup>47</sup> Chairman's Statement of the 43<sup>rd</sup> ASEAN Summit Jakarta, Indonesia, 5 September 2023, para 13.

<sup>48</sup> ASEAN, "Human Rights," <https://asean.org/our-communities/asean-political-security-community/rules-based-people-oriented-people-centred/human-rights/>

<sup>49</sup> Le Trung Kien, *ASEAN Community: A Vietnamese Perspective* (Phnom Penh: Konrad-Adenauer-Stiftung e.V. Foundation Office Cambodia, 2021), 21. <https://www.kas.de/en/web/kambodscha/single-title/-/content/asean-community-a-vietnamese-perspective#>

ASEAN Communities, human rights issues are coordinated under the ASEAN Political-Security Community (APSC).<sup>50</sup> Whatsoever, APSC Blueprint 2025 stimulates the mainstreaming of human rights to all ASEAN Community pillars (ASEAN Political-Security Community, ASEAN Economic Community, and APSC), which must be carried out by consulting relevant ASEAN Sectoral Bodies.<sup>51</sup> So far, human rights have been mainstreamed in all three pillars of the ASEAN Community.<sup>52</sup> However, human rights tend to be included in the political-security and socio-cultural pillars. Although the issue of "business and human rights" can provide a space where economic and human rights issues can meet, the economic pillar focuses more on trade, development, and financial policies.<sup>53</sup>

### ASEAN Cultural Cooperation: Goals and Responsible Institutions

As previously described in the earlier part of this paper, the establishment of ASEAN in 1967 aimed at, among others, accelerating cultural development in the region through joint endeavours and promoting active cooperation in the cultural field as matters of common interest. In 1978, ASEAN members organised a fund to finance ASEAN cultural cooperation programs to preserve their cultural heritage and foster more significant cultural interaction and awareness of ASEAN cultures.<sup>54</sup> It aims to promote practical cooperation in the fields of culture and information to enhance mutual understanding and solidarity among the peoples of ASEAN as well as to further regional development.<sup>55</sup>

---

<sup>50</sup> See ASEAN, "ASEAN Political Security Community", <https://asean.org/our-communities/asean-political-security-community/>; Irene Hadiprayitno, "Deadlock and Denial: Domestic Challenges and the Institutionalization Human Rights in ASEAN," *Global Jurist* 19, No.1 (2018): 4, <http://dx.doi.org/10.1515/gj-2018-0001>

<sup>51</sup> ASEAN Political Security Community 2025, Part A.2.5.7. <https://www.asean.org/wp-content/uploads/2012/05/ASEAN-APSC-Blueprint-2025.pdf>

<sup>52</sup> Vinsky Garcia Wattimena, "Indonesian Role on Human Rights Cooperation in ASEAN", Interview by I Made Budi Arsika and I Nyoman Suyatna Directorate for ASEAN Political Security Cooperation, Ministry of Foreign Affairs of the Republic of Indonesia, Jakarta, 17 October 2023.

<sup>53</sup> Yuyun Wahyuningrum, "ASEAN Cultural Rights", Interview by I Made Budi Arsika and I Nyoman Suyatna, Zoom Meeting, 18 October 2023.

<sup>54</sup> Agreement on the Establishment of the ASEAN Cultural Fund 1978, Preamble.

<sup>55</sup> Team of Culture, Ministry of Education and Culture, "50th Golden Anniversary ASEAN Committee on Culture and Information, Secretariate of Directorate General of Culture



In 1994, COCI adopted a three-year Plan of Action for Culture and Information, in which the strategies focused on the preservation and revitalisation of cultural heritage.<sup>56</sup> A Seminar on Culture Strategic Studies in 1997 sought to formulate or define the necessary concepts and terminology that best reflect the content of ASEAN culture as manifested in the heritage of Member Countries.<sup>57</sup> The 19<sup>th</sup> ASEAN Summit in Bali (2011) adopted a declaration that emphasises the willingness of ASEAN members to optimise the proper use of tangible and intangible cultural assets for economic growth and poverty alleviation and to strengthen the centres of excellence network for training on conservation and preservation of tangible and intangible cultural heritages.<sup>58</sup>

The Vientiane Declaration on Reinforcing Cultural Heritage Cooperation in ASEAN (2016) invigorated the cooperation on ICH, among others, by identifying relevant areas of cooperation and utilising ICH to transform ASEAN values and solidarity among the peoples of the region.<sup>59</sup> The declaration also assigned the ASEAN Ministers for Culture and Arts (AMCA), its Senior Officials (SOMCA) and the ASEAN Committee on Culture and Information (ASEAN-COCI) to implement this declaration in line with the ASEAN Strategic Plan on Culture and Arts 2016-2025 and other relevant cooperation frameworks. Therefore, key players in ASEAN responsible for culture matters under the ASEAN Socio-Cultural Community Council (ASCC Council)<sup>60</sup> are AMCA,<sup>61</sup> SOMCA,<sup>62</sup> the ASEAN-COCI<sup>63</sup>

---

Ministry of Education and Culture of the Republic of Indonesia, 2015, p.35. <https://repositori.kemdikbud.go.id/29724/1/GOLDEN%20ANNIVERSARY%2050%20TH%20ASEAN%20COMMITTEE%20ON%20CULTURE%20%26%20INFORMATION.PDF>

<sup>56</sup> ASEAN, "ASEAN Committee on Culture and Information (COCI)", <https://www.asean.or.id/function/coci1.htm>

<sup>57</sup> ASEAN, "Cooperation in Culture & Information," <https://www.asean.or.id/asc/r9697/asc96f3.htm>

<sup>58</sup> Declaration on ASEAN Unity in Cultural Diversity: Towards Strengthening ASEAN Community, paras 3.3. and 5.2.

<sup>59</sup> The Vientiane Declaration on Reinforcing Cultural Heritage Cooperation in ASEAN (2016), para 2.1.

<sup>60</sup> ASCC is one of ASEAN Community Councils besides ASEAN Political-Security Council, and ASEAN Economic Council according to Article 9 (1) of the ASEAN Charter

<sup>61</sup> Article 10 and Annex I of the ASEAN Charter

<sup>62</sup> Article 10 and Annex I of the ASEAN Charter

and its ASEAN Sub-Committee on Culture (SCC). Their mandates are described in Table 1.

**Table 1.** Major Sectoral Bodies/Committees  
Responsible for Cooperation in Cultural Matters in ASEAN

Major Sectoral Bodies/Committees	Mandate/Task
ASEAN Ministers for Culture and Arts (AMCA)	Developing strategic regional solutions for culture and arts cooperation, enhancing mutual understanding and solidarity among the peoples of ASEAN.
Senior Officials Meeting on Culture and Arts (SOMCA)	Monitoring the progress of programmes and recommendations of AMCA.
ASEAN Committee on Culture and Information (ASEAN-COCI)	Being responsible for the formulation, implementation and review of culture and information projects for funding by the ASEAN Cultural Fund (ACF).
ASEAN Sub-Committee on Culture (SCC).	Promoting, intensifying and advancing ASEAN regional cooperation in culture and arts under the direction and approval of COCI.

Source: ASEAN<sup>64</sup>

ASEAN peoples have common cultural threads woven into each other's cultures. Therefore, the ASEAN Community should also be able to chart a shared future in terms of safeguarding its tangible and intangible cultural heritage and promoting mutual respect and understanding.<sup>65</sup> The ASEAN Strategic Plan on Culture and Arts 2016-2025 planned the collaboration on programmes addressing other at-risk intangible heritage in the context of

<sup>63</sup> Agreement on the Establishment of the ASEAN Cultural Fund, Annex Rules Governing the Control, Disbursement and Accounting of the ASEAN Cultural Fund, para 3.

<sup>64</sup> ASEAN, "Major Sectoral Bodies/Committees," <https://asean.org/our-communities/asean-socio-cultural-community/culture-and-information/major-sectoral-bodies-committees/>

<sup>65</sup> ASEAN, *ASEAN Strategic Plan for Culture and Arts 2016-2025* (Jakarta: ASEAN Secretariat, 2016), 2. <https://asean.org/wp-content/uploads/2021/01/ASEAN-Strategic-Plan-for-Culture-and-Arts-2016-2025.pdf>

acknowledgement of the cultural rights of all the peoples of ASEAN<sup>66</sup> and the encouragement of cultural managers to highlight and educate ASEAN peoples regarding the connection between intangible and tangible heritages.<sup>67</sup>

A common cultural base is a foundation of shared regional culture in Southeast Asia.<sup>68</sup> ASEAN countries could use cultural industries, such as film productions, novels, and radio and TV programs, to raise a regional cultural identity.<sup>69</sup> The ASEAN Declaration on Cultural Heritage 2020 urges ASEAN members to guarantee that traditional communities have access, protection, and rights of ownership to their heritage.<sup>70</sup>

### ASEAN and the ICH Convention: Regionalising the Universal Cultural Norms

Even though the ICH Convention is not classified as one of the major human rights treaties,<sup>71</sup> it has been deliberated in human rights law.<sup>72</sup> The preamble refers primarily to the Universal Declaration on Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, and the International Covenant on Civil and Political Rights of 1966, while Article 2 (1) emphasises that intangible cultural heritage must be in line with, and not contrary to, existing international human rights instruments. The ICH Convention defines ICH as “the practices, representations,

<sup>66</sup> The ASEAN Strategic Plan on Culture and Arts 2016-2025, para 4.3.7.

<sup>67</sup> The ASEAN Strategic Plan on Culture and Arts 2016-2025, para. 4.5.4.

<sup>68</sup> See Robert J. Taormina and Christopher Selvarajah, “Perceptions of Leadership Excellence in ASEAN Nations,” *Leadership* 1, No.3 (2005): 303, <https://doi.org/10.1177/1742715005054439> and ASEAN, “Southeast Asia: Heartland of Our Times,” <https://www.asean.or.id/11834.htm>

<sup>69</sup> Dira T. Fabrian, “Could the ASEAN Community bring about a Southeast Asian Identity?,” *Yale Journal of International Affairs*, 28 December 2016, <https://www.yalejournal.org/publications/could-the-asean-community-bring-about-a-southeast-asian-identity>

<sup>70</sup> ASEAN Declaration on Cultural Heritage 2020, para 9, <https://arc-agreement.asean.org/file/doc/2015/02/asean-declaration-on-cultural-heritage.pdf>

<sup>71</sup> The classification of major human rights treaties can be read in The Office of the High Commissioner for Human Rights, “The Core International Human Rights Instruments and their Monitoring Bodies,” <https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies>

<sup>72</sup> Kalliopi Chainoglou, “The Protection of Intangible Cultural Heritage in Armed Conflict: Dissolving the Boundaries Between the Existing Legal Regimes?,” *Santander Art and Culture Law Review* 2, no 3 (2017): 121, <https://doi.org/10.4467/2450050XSNR.17.025.8426>

expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognise as part of their cultural heritage.”

Currently, 183 countries are state parties to the Convention. The United Kingdom of Great Britain and Northern Ireland (the UK) is the latest country to ratify the Convention after submitting its ratification instrument on 7 March 2024.<sup>73</sup> The priority for the UK government in implementing the Convention is to inventory and raise awareness of all ICL in the UK, assuming that ICL can only be heritage when recognised by the communities, groups, or individuals who create, maintain, and transmit it.<sup>74</sup>

Several countries, including Australia, Canada, Israel, Maldives, New Zealand, the Russian Federation, South Africa, and the United States of America (the US), are not state parties to the Convention for various reasons. New Zealand has not yet ratified the IHC Convention due to the indistinguishable connection between intangible and tangible heritage and the abstention from regulating indigenous people's cultural property. Besides, a provision in the Convention that determines language as a vehicle for transmitting cultural heritage is unsuitable for Māori Indigenous people, who represent 17.3 per cent of the national population.<sup>75</sup> The US consistently does not support the 2003 UNESCO Convention. American people perceive culture in the context of freedom rather than regulation, even though they seriously debate cultural issues, mainly regarding the degree of tolerance and the recognition and acceptance of private behaviour rights in public. The U.S. does not have a ministry of culture nor enforceable forms of

---

<sup>73</sup> UNESCO, “Convention for the Safeguarding of the Intangible Cultural Heritage (States Parties),” <https://www.unesco.org/en/legal-affairs/convention-safeguarding-intangible-cultural-heritage#item-2>

<sup>74</sup> House of Lords, “Scrutiny of International Agreements: UNESCO Convention on Intangible Cultural Heritage,” International Agreements Committee 5<sup>th</sup> Report of Session 2023–24, 21 February 2024, paras 7, 9. <https://committees.parliament.uk/publications/43438/documents/216057/default/>

<sup>75</sup> See Elena Perez-Alvaro, “Indigenous Rights and Underwater Cultural Heritage: (De)constructing International Conventions” *Maritime Studies* 22 (2023): 6, <https://doi.org/10.1007/s40152-023-00320-6> and Staats NZ, “Māori Population Estimates: At 30 June 2023,” <https://www.stats.govt.nz/information-releases/maori-population-estimates-at-30-june-2023/#:~:text=At%2030%20June%202023%3A,percent%20of%20the%20national%20population>

official culture—such as language or religion. The U.S. does not interfere with cultural activities and leaves them as private matters. These are the reasons why the U.S. does not list culture on its foreign policy agenda and is firmly not in favour of cultural treaties, including the ICH Convention.<sup>76</sup>

All ASEAN member states have become state parties to the ICH Convention. It is an excellent modality for ASEAN to enforce ICH norms in the region, in line with the provision of Article 2 (2) (j) of the ASEAN Charter, which determines that ASEAN and its members shall act according to the principle of upholding the international law subscribed to by the ASEAN Member States. Adopting the ASEAN Declaration on Cultural Heritage in 2000 was a vital stepping stone for ASEAN countries to be the parties to the ICH Convention, which was later established in 2003.

**Table 2.** ASEAN Members Ratifying the ICH Convention

State	Acceptance/Approval / Ratification	Declaration/Reservation
Brunei Darussalam	2011	-
Cambodia	2006	-
Indonesia	2007	Declaration
Lao People's Democratic Republic	2009	-
Malaysia	2013	Declaration
Myanmar	2014	-
Philippines	2006	-
Singapore	2018	-
Thailand	2016	-
Vietnam	2005	-

Source: UNESCO<sup>77</sup>

Data in Table 1 shows that all ASEAN members have become state parties to the ICH Convention after one and a half decades since the Convention was established in 2003. Among others, Indonesia and Malaysia

<sup>76</sup> Richard Kurin, "U.S. Consideration of the Intangible Cultural Heritage Convention," *Ethnologies* (Québec) 36, No. 1-2 (2014): 335-336, <https://doi.org/10.7202/1037612ar>

<sup>77</sup> UNESCO, "Convention for the Safeguarding of the Intangible Cultural Heritage (States Parties)," <https://www.unesco.org/en/legal-affairs/convention-safeguarding-intangible-cultural-heritage#item-2>

are the only countries that submitted declarations. Indonesia officially ratified the ICH Convention by Presidential Regulation No. 78 of 2007 on 5 July 2007. Indonesia officially ratified the ICH Convention by Presidential Regulation No. 78 of 2007 on 5 July 2007. On 15 October 2007, Indonesia submitted an instrument of acceptance along with a declaration expressing its denial of a uniform amount of contribution to be determined by the General Assembly as stipulated in Article 26 paragraph (1) of the Convention. When ratifying the ICH Convention, Malaysia submitted a declaration as follows: "The Government of Malaysia declares that the application and implementation of the provision of this Convention shall be subject to and in accordance with, the applicable domestic laws of Malaysia and the applicable administrative and policy measures of the government of Malaysia." Three European countries did not welcome this declaration, which later submitted a communication to the Director-General of UNESCO, questioning the willingness of Malaysia to pursue the object and purpose of the ICH Convention and arguing that Malaysia should not invoke its domestic law as justification for denying its obligations under the Convention. The Government of the Kingdom of the Netherlands frankly objected to Malaysia's reservation. In a separate communication, Sweden and Romania also declared that the Convention is applicable between both countries and Malaysia without the benefit of Malaysia's reservation.<sup>78</sup> Under international law, in particular, the Law of Treaties, both reservation and declaration are generally used to reflect the understanding of a State on some matter or as to the interpretation of a particular provision, clarify the state's position, and exclude or modify the legal effect of specific provisions of the treaty in their application to that State.<sup>79</sup> Therefore, declarations submitted by Indonesia and Malaysia are legitimate actions under international law. However, other state parties to the convention are also entitled to respond to the declarations, which can even express disagreement.

---

<sup>78</sup> UNESCO, "Convention for the Safeguarding of the Intangible Cultural Heritage (Declaration and Reservations)," <https://www.unesco.org/en/legal-affairs/convention-safeguarding-intangible-cultural-heritage#item-2>

<sup>79</sup> See Article 2 (1) (d) Vienna Convention on the Law of Treaties 1969 and the United Nations Treaty Collection, "Glossary of Terms relating to Treaty Actions," [https://treaties.un.org/Pages/Overview.aspx?path=overview/glossary/page1\\_en.xml](https://treaties.un.org/Pages/Overview.aspx?path=overview/glossary/page1_en.xml)

The ICH listing in UNESCO undeniably affects competition among States, narrows countries' nationalism, reformulates ICH elements based on political or economic agendas, and incites conflicts on common or similar elements.<sup>80</sup> The tensions between Indonesia and Malaysia due to cultural claims, as previously explained in the Introduction, are real examples of such a situation. The tensions seemed to decrease when Indonesia and Malaysia successfully made a joint subscription of Pantun to UNESCO, as it was inscribed in 2020 (15.COM) on the Representative List of the Intangible Cultural Heritage of Humanity.<sup>81</sup> Malay Pantun has been practised for more than 500 years. Since before 1920, it has been used as a medium for conveying the message of Islam (*da'wah*) in Nusantara, which includes education on monotheism - the belief in the only and supreme God (*tauhid*), sharia, morals (*akhlak*) and Islamic stories.<sup>82</sup> The meeting of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage in December 2020 decided Pantun as an intangible cultural heritage of humanity.<sup>83</sup> As a consequence of the decision, the Committee reminds the States Parties of the importance of ensuring the most active possible participation of the communities concerned in every aspect related to the implementation of the safeguarding measures.<sup>84</sup>

The ongoing effort of a joint filing of *kebaya* by Brunei Darussalam, Indonesia, Malaysia, Thailand, and Singapore indicates a cohesiveness among

---

<sup>80</sup> Ahmed Skounti, "The Intangible Cultural Heritage System: Many Challenges, Few Proposals," *Santander Art and Culture Law Review* 2, No.3 (2017): 69, <https://doi.org/10.4467/2450050XSNR.17.022.8423>

<sup>81</sup> UNESCO, "Pantun," <https://ich.unesco.org/en/RL/pantun-01613>

<sup>82</sup> Wachid Purwanto and Yosi Wulandari, "Da'wah Message of Religious Pantun in Malay Pantun Published by Balai Pustaka," *Komposisi: Jurnal Pendidikan Bahasa, Sastra, dan Seni* 24, No. 2 (24 December 2023): 165. <https://doi.org/10.24036/komposisi.v24i2.125388>

<sup>83</sup> The Decision of Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage No: 15.COM/8.B.30 of 2020 concerning the Inscription of Pantun on the Representative List of the Intangible Cultural Heritage of Humanity, para 5, <https://ich.unesco.org/en/decisions/15.COM/8.B.30>

<sup>84</sup> The Decision of Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage No: 15.COM/8.B.30 of 2020 concerning the Inscription of Pantun on the Representative List of the Intangible Cultural Heritage of Humanity, para 6, <https://ich.unesco.org/en/decisions/15.COM/8.B.30>



ASEAN countries that share a common culture.<sup>85</sup> Some ASEAN countries have even shared a multi-country intangible cultural heritage with non-ASEAN countries.<sup>86</sup> This is the case of Tugging Rituals and Games, jointly listed by Cambodia, the Philippines, Vietnam, and the Republic of Korea. Tugging rituals and games are enacted in rice-farming communities when a new agricultural cycle commences. They also strengthen unity, solidarity, and community members' sense of belonging and identity.<sup>87</sup>

### Comparative Insights

This paper observes the development of cultural rights, collective rights, and ICH in other regions to give a comparative insight into the situation in Southeast Asia. Subsequently, it analyses progress in West Africa and Arabic regions, which are similar to Southeast Asia in terms of their multiculturalism. Africa is a region where a regional human rights system exists, along with legal instruments and institutions. Whatsoever, a sceptical view often addressed the capacity of their political actors to advance such a system effectively.<sup>88</sup> European colonisers were considered responsible for the imposing of European culture and civilisation on the African people to control their mentality and exploit their wealth.<sup>89</sup> For decades, African countries were not too successful in managing ethnocultural diversity due to violence and conflict

---

<sup>85</sup> UNESCO, “Kebaya: Knowledge, Skills, Traditions and Practices Brunei Darussalam, Indonesia, Malaysia, Thailand, Singapore Representative List 2024,” [https://ich.unesco.org/en/files-2024-under-process-01303?include=slideshow\\_inc.php&id=02090&width=620&call=slideshow&mode=scroll#](https://ich.unesco.org/en/files-2024-under-process-01303?include=slideshow_inc.php&id=02090&width=620&call=slideshow&mode=scroll#)

<https://ich.unesco.org/img/photo/thumb/17404-HUG.jpg>

<sup>86</sup> “UNESCO Representative List of the Intangible Cultural Heritage of Humanity”, *the ASEAN* 32-33 (2023): 29. <https://asean.org/serial/culture-and-creativity-for-sustainable-development/>

<sup>87</sup> UNESCO, “Tugging Rituals and Games”

<https://ich.unesco.org/en/RL/tugging-rituals-and-games-01080>

<sup>88</sup> Basil Ugochukwu “First, Put Out the House Fire”: The Future of the African Human Rights System,” *Wisconsin International Law Journal* 35, No. 2 (2018): 369, [https://wilj.law.wisc.edu/wp-content/uploads/sites/1270/2018/10/Ugochukwu\\_Final.pdf](https://wilj.law.wisc.edu/wp-content/uploads/sites/1270/2018/10/Ugochukwu_Final.pdf)

<sup>89</sup> Sidy Camara, “The History of the Notion of the State in West Africa: from the Destruction of Empires to the Emergence of the Modern State resulting from Colonization (the Case of the Mali Empire),” *RUDN Journal of World History* 12, No.1 (2020): 29, <http://dx.doi.org/10.22363/2312-8127-2020-12-1-28-34>

generally caused by ethnic and/or religious groups' mobilisation.<sup>90</sup> It is generally accepted that cultural values are vital in society. However, cultural values in a struggling low-income, not well-educated, and too nationalistic society with superstitions and religious indoctrination are questioned. Culture and religion in Africa have not indicated the significance of profound values as any cultural system benefits rely on a capacity to improve their people's lives.<sup>91</sup>

A sub-region of West Africa may be used as an example of how the present countries in the region inherit various life dimensions from the ancient powers, i.e, Ghana, Mali, and Songhay empires.<sup>92</sup> Senegambia, a term reflecting both political and cultural dimensions, is an example of how two West African countries, Senegal and Gambia, continued the cultural integration developed during the Mali empire, indicated by many cultural commonalities in music, traditions of oral histories, and performances. Their shared culture interconnects the two countries even though they use different official languages as a continuation of colonialism: the French language in Senegal and the English language in the Gambia.<sup>93</sup> Despite the political tensions that have, at times, strained the relationship between the two countries, the people of Senegambia have steadfastly maintained a belief in their shared culture and kinship. They even go so far as to refer to each other using kinship metaphors, a testament to the strength of their cultural identity.<sup>94</sup> In Senegal, intangible

---

<sup>90</sup> John M. Mbaku, *Protecting Minority Rights in African Countries: A Constitutional Political Economy Approach* (Cheltenham: Edward Elgar Publishing, 2018), 1-3.

<sup>91</sup> Nsama Jonathan Simuziy, "Universal Human Rights vs Cultural & Religious Variations: An African Perspective," *Cogent Arts & Humanities* 8, No.1 (2021): 12, <https://doi.org/10.1080/23311983.2021.1988385>

<sup>92</sup> See Sidy Camara, The History of the Notion of the State in West Africa: from the Destruction of Empires to the Emergence of the Modern State resulting from Colonization (the Case of the Mali Empire), *RUDN Journal of World History* 12, No.1 (2020): 29, <http://dx.doi.org/10.22363/2312-8127-2020-12-1-28-34> and Toby Green, "Identities in 'Greater Senegambia' and Beyond: History and Music in Dialogue," *British Academy Review* 27 (2016): 57. <https://www.thebritishacademy.ac.uk/publications/british-academy-review-issue-27-february-2016/>

<sup>93</sup> Toby Green, "Identities in 'Greater Senegambia' and Beyond: History and Music in Dialogue," *British Academy Review* 27 (2016): 57-58, <https://www.thebritishacademy.ac.uk/publications/british-academy-review-issue-27-february-2016/>

<sup>94</sup> Awosusi Oladotun Emmanuel and Muhammed Lenn, "An Analysis of Latent Factors Influencing Gambia-Senegal Relations beyond Colonial Dichotomy," *International Affairs and Global Strategy* 75 (2019): 60, <http://dx.doi.org/10.7176/IAGS/75-05>

heritage is safeguarded through the support of NGOs. Further, the Government enacted the Governmental Act 96-06 of 1996, which delegated the powers to formulate and implement cultural development programs to local organisations with elected assemblies.<sup>95</sup> The Kankurang is an initiatory rite practised throughout the Manding provinces of Senegal and Gambia jointly listed in UNESCO.<sup>96</sup> Despite the local belief aspects of this rite, it also implies a counterreaction to the postcolonial nation-state.<sup>97</sup> In 2021, UNESCO allocated US\$ 59,571 for a project to strengthen the capacities of Western African countries (Burkina Faso, Cabo Verde, Gambia, Guinea-Bissau, Mali, Niger, and Senegal) for the safeguarding of intangible cultural heritage.<sup>98</sup>

The Economic Community of West African States (ECOWAS) is a regional organisation established in 1971, with 15 West African countries as members representing around 350 million people.<sup>99</sup> The ECOWAS Cultural Framework Agreement (CFA)<sup>100</sup> reflects a commitment to utilise the interchange between culture and development for economic growth and social progress in West Africa. The CFA aims to cherish a sense of cultural identity within a consolidated society through cultural exchange and culture-inclusive cooperation in various areas.<sup>101</sup> The ECOWAS Vision 2050 determines a pillar

---

<sup>95</sup> Leah Lowthorp, *National Intangible Cultural Heritage (ICH) Legislation & Initiatives A Case Study of Fourteen Countries* (UNESCO-New Delhi Field Office, 2010), 39.

<sup>96</sup> UNESCO, “Kankurang, Manding Initiatory Rite,” Accessed 22 May 2024, <https://ich.unesco.org/en/RL/kankurang-manding-initiatory-rite-00143>

<sup>97</sup> Claudia Ba., “Invisible Superstructure of the Visible: Contested Notions of Authorized Order, or How to Render the Kankurang In\_Visible,” *On\_Culture: The Open Journal for the Study of Culture* 13 (2022): 9. <https://doi.org/10.22029/oc.2022.1264>

<sup>98</sup> UNESCO, “Strengthening the Capacities of States Parties for the Safeguarding of Intangible Cultural Heritage in Western Africa (Sahel),” Accessed 22 May 2024, <https://ich.unesco.org/en/projects/strengthening-the-capacities-of-states-parties-for-the-safeguarding-of-intangible-cultural-heritage-in-western-africa-sahel-00447>

<sup>99</sup> Chidi Oguamanam, “A Critical Examination of the African Legal Framework for Indigenous Knowledge,” *Journal of African Law* 67, No. 1 (2023): 9, <https://doi.org/10.1017/S0021855323000049>

<sup>100</sup> ECOWAS Protocol A/P1/7/87 on Cultural Framework Agreement for the Economic Community of West African States (ECOWAS), <https://archive.gazettes.africa/archive/ecowas/1987/ecowas-official-journal-dated-1987-07-01-vol-11.pdf>

<sup>101</sup> Chidi Oguamanam, “A Critical Examination of the African Legal Framework for Indigenous Knowledge,” *Journal of African Law* 67, No. 1 (2023): 11. <https://doi.org/10.1017/S0021855323000049>

of social inclusion, which, among others, prioritizes the promotion of cultural heritage and the protection of cultural rights.<sup>102</sup>

The Arab League Educational, Cultural and Scientific Organization (ALECSO), a special agency of the League of Arab States (hereinafter referred to as Arab League),<sup>103</sup> coordinate Arab League member states in preparing a joint submission to the UNESCO World Heritage Committee for inscription on the List of Intangible Cultural Heritage.<sup>104</sup> The ALESCO Strategic Plan (2017–2022) encouraged cooperation and joint action among ALECSO member states in the field culture and intensified collaboration and coordination among relevant culture and heritage institutions.<sup>105</sup> The traditional weaving of Al Sadu is a traditional woven textile made by Bedouin women recognised by Kuwait, Saudi Arabia,<sup>106</sup> and the United Arab Emirates (UAE).<sup>107</sup> Another example is camel racing, which reflects the nomadic lifestyle and a source of inspiration in poetry and singing for Bedouin society, is socially practised and becoming a heritage festival. UAE and Oman are the countries listed as having jointly inherited camel racing.<sup>108</sup> The most historical

---

<sup>102</sup> ECOWAS, ECOWAS Vision 2050 “ECOWAS of the Peoples: Peace and Prosperity for All,” Appendices, p.56 <https://www.ecowas.int/wp-content/uploads/2022/09/Vision-2050-EN.pdf>

<sup>103</sup> The Arab League Educational, Cultural and Scientific Organization, “About Us, In Brief,” <https://www.alecso.org/nsite/en/component/content/article/814-who-are-we-v2?catid=63&Itemid=220>

<sup>104</sup> The Arab League Educational, Cultural and Scientific Organization, “World Cultural Heritage in the Arab Countries,” *Statistical Bulletin*, No.3 (2021), 7. <https://observatory.alecso.org/Data/wp-content/uploads/2022/03/nashra3eng.pdf>

<sup>105</sup> Damilola S Olawuyi, “The Conservation of Nature and Cultural Heritage,” in *Environmental Law in Arab States* (Oxford, Oxford University Press, 2022); 269, <https://doi.org/10.1093/oso/9780192896186.003.0010>

<sup>106</sup> UNESCO, “Traditional weaving of Al Sadu,” <https://ich.unesco.org/en/RL/traditional-weaving-of-al-sadu-01586#:~:text=Traditional%20weaving%20of%20Al%20Sadu%20refers%20to%20the%20traditional%20woven,made%20on%20a%20ground%20loom>

<sup>107</sup> UNESCO, “Al Sadu, Traditional Weaving Skills in the United Arab Emirates,” <https://ich.unesco.org/en/USL/al-sadu-traditional-weaving-skills-in-the-united-arab-emirates-00517#:~:text=Al%20Sadu%20is%20a%20traditional,and%20prepared%20by%20the%20women.>

<sup>108</sup> UNESCO, “Camel Racing, a Social Practice and a Festive Heritage Associated with Camels,” <https://ich.unesco.org/en/RL/camel-racing-a-social-practice-and-a-festive-heritage-associated-with-camels-01576>

process is when the ALESCO supervised all steps of filing Arabic calligraphy into UNESCO by 16 (sixteen) Arabic countries, and the efforts succeeded in 2021.<sup>109</sup>

Countries in West Africa, Arabic regions, and Southeast Asia have recognised their shared cultures and have been taking gradual steps to jointly inherit them rather than exclusively claim a culture, which may raise a tensional response by another country. Examples are the joint recognition of the Kankurang rite, the traditional weaving of Al Sadu, and the Pantun verse. From an institutional approach, the ALECSO plays a vital role in supporting and recognising a regional culture in the Arabic region. This may inspire other regional organisations, including ASEAN, which is now working on preparing a regional-based cultural heritage list.

### The Way Forward

As mentioned in the introduction, this paper aims to analyse the possibility of recognising a regionally shared culture as jointly claimed collective cultural rights by taking the example of ICH. This paper, therefore, submits three arguments. First, the 'regionally shared culture' is an integral part of the Narrative of ASEAN Identity, a document that underscores the close connection between culture and ASEAN identity. Indonesia, in this regard, undeniably plays a vital role. The unity in diversity seems to be the fundamental reason Indonesia supports ASEAN's pluralistic ideals and tends to regard itself as part of a regionally shared culture.<sup>110</sup> Indonesia, with its diverse cultural tapestry, initiated this narrative, which was then embraced at the 37<sup>th</sup> ASEAN Summit in November 2020.<sup>111</sup> The narrative highlights,

---

<sup>109</sup> See The Ministry of Culture of the State of Qatar, "The Ministry of Culture Celebrates the World Heritage Day," <https://www.moc.gov.qa/en/the-ministry-of-culture-celebrates-the-world-heritage-day/> and UNESCO, "Arabic Calligraphy: Knowledge, Skills and Practices." <https://ich.unesco.org/en/RL/arabic-calligraphy-knowledge-skills-and-practices-01718>

<sup>110</sup> David Henley, "Southeast Asian studies and the reality of Southeast Asia," *Suvannabhumi: Multi-Disciplinary Journal of Southeast Asian Studies* 12, No.2 (2020): 42-43, <https://doi.org/10.22801/svn.2020.12.2.19>

<sup>111</sup> Monica Ari Wijayanti, et.al, "ASEAN Cultural Cooperation," Directorate for ASEAN Socio Cultural Cooperation, Ministry of Foreign Affairs of the Republic of Indonesia, Jakarta, 17 October 2023.

“From the myriad of unique cultures to exquisite culinary delights, from shared history to acquiring DNA similarity, from intensive social-cultural interactions to shared traditions, these are just a few examples of how Southeast Asian countries are so diverse and yet share a myriad of heritages, and are connected, united as one, in ASEAN.” This narrative also defines ASEAN Identity as a “process of social construct defined by a balanced combination of ‘Constructed Values’ and ‘Inherited Values’ that will strengthen the ASEAN Community.” The constructed values of ASEAN Identity, as reflected in Article 2 of the ASEAN Charter, mention several principles, including promoting and protecting human rights, unity in diversity, and inclusivity, which are considered to be shared and common values and are identified as the ASEAN Way. Regarding the inherited values, the narrative holds that:<sup>112</sup>

*“The values shared by ASEAN member states have existed in Southeast Asian countries long before the establishment of ASEAN. All characteristics, values and shared values, as well as rich traditions in Southeast Asia is part of our future vision and culture, as we progress in strengthening the ASEAN Community. A continuing process of acculturation will further enrich and strengthen the ASEAN Community. The traditions, customs and beliefs since the pre-historic era laid the foundation of the process of an ethnic community blending in Southeast Asia.”*

Second, the effort to construct ‘collective cultural rights’ can be incorporated into the human rights dialogues. The ASEAN Leaders' Declaration on the ASEAN Human Rights Dialogue was adopted at the 43<sup>rd</sup> ASEAN Summit on 5 September 2023. The preamble of the declaration recognises “the respect for international human rights principles, including universality, indivisibility, interdependence, and interrelatedness of all human rights and fundamental freedoms” and acknowledges that “the realisation of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical, and

---

<sup>112</sup> ASEAN, “The Narrative of ASEAN Identity,” Adopted by the 37<sup>th</sup> ASEAN Summit, 12 November 2020, 1-3, [https://asean.org/wp-content/uploads/2021/08/9-The-Narrative-of-ASEAN-Identity\\_Adopted-37th-ASEAN-Summit\\_12Nov2020.pdf](https://asean.org/wp-content/uploads/2021/08/9-The-Narrative-of-ASEAN-Identity_Adopted-37th-ASEAN-Summit_12Nov2020.pdf)

religious backgrounds." The document, among others, declares ASEAN's intention to encourage open and constructive dialogue to develop a deeper understanding of human rights issues and challenges in ASEAN; organise a regular ASEAN Human Rights Dialogue on human rights thematic issues to enhance cooperation in promoting and protecting human rights; and give a mandate on the involvement of the AICHR in complementing the building of the ASEAN Community through the convening of such a dialogue.<sup>113</sup>

Third, the ongoing process of creating an ASEAN Cultural Heritage List (ACHL) indicates an excellent opportunity to recognise a regionally shared culture in the form of collective cultural rights. ASEAN Secretariat and the Government of India are currently making an ongoing effort to analyse the feasibility of the development of ACHL. They organised the 1<sup>st</sup> and 2<sup>nd</sup> Expert Panel Meetings in August and December 2023, discussing the merits, opportunities, and challenges to develop ACHL, which is expected to determine tangible and intangible cultural heritage assets of remarkable value that represent the variety and rich heritage of the region and recommending the objectives, scope, and approach in envisioning the ACHL. On 29 February 2024, they held an Ad-Hoc SOMCA Working Group Meeting attended by representatives of SOMCA and Civil Society Organizations nominated by the ASEAN Member States to discuss the experts' recommendations regarding objectives, scope, and approach in envisioning the ACHL.<sup>114</sup> The ACHL seems to be an antithesis of the UNESCO model of cultural list as it initiates a more inclusive and representative platform for ASEAN's cultural heritage in a more tailored approach to preservation that respects and promotes its diverse cultural expressions.<sup>115</sup>

---

<sup>113</sup> ASEAN, "ASEAN Leaders' Declaration on the ASEAN Human Rights Dialogue," <https://asean.org/wp-content/uploads/2023/09/Leaders-Declaration-on-AHRD.pdf>

<sup>114</sup> See ASEAN, "ASEAN and International Experts Discuss ASEAN Cultural Heritage List," 16 August 2023," <https://asean.org/asean-and-international-experts-discuss-asean-cultural-heritage-list/> and ASEAN, "Representatives of SOMCA and ASEAN CSOs Gathered to Discuss the Feasibility of the Envisaged ASEAN Cultural Heritage List Today," 29 February 2024, <https://asean.org/representatives-of-somca-and-asean-csos-gathered-to-discuss-the-feasibility-of-the-envisaged-asean-cultural-heritage-list-today/>

<sup>115</sup> Noel Hidalgo Tan, "Envisioning the ASEAN Cultural Heritage List," *the ASEAN* 32-33 (2023): 30, <https://asean.org/wp-content/uploads/2023/12/The-ASEAN-Issue-32-33-Culture-and-Creativity-for-Sustainable-Development.pdf>



The next issue is whether a regionally shared culture benefits ASEAN countries. In this context, we may refer to expediency theory, which is generally used to analyse the purpose of law. Jeremy Bentham argued that the law is expected to provide as much benefit and happiness to the community as possible and the means to achieve a predetermined goal,<sup>116</sup> which aligns with the principle of utility.<sup>117</sup> The principle conceives the common good as “the greatest happiness of the greatest number” and idealises lawmakers' maximising the utility of community members.<sup>118</sup> The foreseen benefit of a regionally shared culture is strengthening the sense of belonging to the inherited culture and increasing the advancement of contemporary culture in Southeast Asia. The joint submission of some ASEAN members to listing their ICH to UNESCO is an example of how a culture can be jointly recognised, enjoyed, and further developed. From a practical perspective, a regionally shared culture may reduce tensions, or even clashes, among ASEAN country's leaders and society due to one country's unilateral claim of an ICH. The principle of utility may also be relevant in the context of culture as an economic resource. Culture has been used or exploited for decades to support various industries, e.g., education, arts, and tourism. Therefore, a regionally shared culture can become a joint-owned asset for ASEAN countries to gain economic benefits from those industries.

## Conclusion

Since its inception, ASEAN has developed its cooperation in the field of culture, which is institutionally overseen by the ASCC Council and technically implemented by AMCA, SOMCA ASEAN-COCI, and SCC. In its

---

<sup>116</sup> Raden Mas Try Ananto Wicaksono, “Reviewing Legal Justice, Certainty, and Legal Expediency in Government Regulation Number 24 of 2018 Concerning Electronically Integrated Business Services,” *Lex Scientia Law Review* 5, no. 1 (2021): 14-15. <https://doi.org/10.15294/lesrev.v5i1.44905>

<sup>117</sup> Jeremy Bentham. *An Introduction to the Principles of Morals and Legislation*-1781 (Kitchener: Batoche Books, 2000), 15. <https://historyofeconomicthought.mcmaster.ca/bentham/morals.pdf>

<sup>118</sup> Piero Tarantino, “An Alternative View of the European Idea of the Common Good: Bentham’s Mathematical Model of Utility”, *Revue d'études benthamiennes* 18 (2020): 8. <https://doi.org/10.4000/etudes-benthamiennes.8227>

development, ASEAN has also adopted the universal human rights principles into several instruments and established human rights institutions, especially the AICHR. Cultural rights, which represent the intersecting of culture and human rights aspects, have yet to be fully understood as collective cultural rights. ICH is one of the issues that reflects the tension in the dynamics of relations between ASEAN countries, all of which are state parties to the ICH convention. The current development of ICH issues in ASEAN indicates that there is always the possibility of recognising a regionally shared culture in the context of collective cultural rights due to the ongoing development of the Narrative of ASEAN Identity, the routine convene of human rights dialogues, and the initiation of ACHL.

### Acknowledgement

This article is further developed from research funded by Udayana University in 2023. The Authors, therefore, would like to express gratitude for the support and contributions given by the heads of the Research and Community Services Institution and the Faculty of Law of Udayana University; Officials of the Directorate General of ASEAN Cooperation of the Ministry of Foreign Affairs of the Republic of Indonesia, i.e. Made Adhitya Anggriawan Wisadha, (Secretary to the Director General), Rayyanul M. Sangadji and Vinsky Garcia Wattimena (Directorate for ASEAN Political-Security Cooperation), Monica Ari Wijayanti, Wiweka Sukma Wardhani, Rifana Indira, and Ary Adiati (Directorate for ASEAN Socio-Cultural Cooperation); Yuyun Wahyuningrum (Chair and Representative of Indonesia to the ASEAN Intergovernmental Commission on Human Rights/AICHR); and Komang Pradnyana Sudibya, Ni Kadek Ayu Sri Undari, Kadek Indira Lokahita, and Komang Ayu Nuriasih.

### References

- Abdulla, Mariam Rawan. "Culture, Religion, and Freedom of Religion or Belief." *The Review of Faith & International Affairs* 16, No.4 (2018): 102–115. <https://doi.org/10.1080/15570274.2018.1535033>
- Agreement on the Establishment of the ASEAN Cultural Fund.
- Agreement on the Establishment of the ASEAN Cultural Fund 1978.

- Ahdanisa, Dissa Syakina and Steven B. Rothman. "Revisiting International Human Rights Treaties: Comparing Asian and Western Efforts to Improve Human Rights." *SN Social Sciences* 1 (2021): 1-16. <https://doi.org/10.1007/s43545-020-00018-0>
- AICHR, "Publications," <https://aichr.org/publications/>
- Arnakim, Lili Yulyadi et.al. "Tourism in ASEAN: A Catalyst for Regional Integration." *Journal of ASEAN Studies* 11, No.1 (2023): 1-8. <https://doi.org/10.21512/jas.v11i1.10506>
- Arundhati, Budi Arundhati, Muhammad Bahrul Ulum, and Gebrekiros Goytom Afera. "ASEAN Integration in the Context of Disaster Management." *Lentera Hukum* 9, No. 3 (December 2022): 459-492. <https://doi.org/10.19184/ejlh.v9i3.30546>
- ASEAN Declaration on Cultural Heritage 2020. <https://arc-agreement.asean.org/file/doc/2015/02/asean-declaration-on-cultural-heritage.pdf>
- ASEAN Indonesia. "Interesting Facts and Data about the ASEAN Region." <https://asean2023.id/en/news/interesting-facts-and-data-about-the-asean-region>
- ASEAN. "ASEAN Political Security Community 2025." <https://www.asean.org/wp-content/uploads/2012/05/ASEAN-APSC-Blueprint-2025.pdf>
- ASEAN. "Cooperation in Culture & Information." <https://www.asean.or.id/asc/r9697/asc96f3.htm>
- ASEAN. "ASEAN Committee on Culture and Information (COCI)." <https://www.asean.or.id/function/coci1.htm>
- ASEAN, "ASEAN Leaders' Declaration on the ASEAN Human Rights Dialogue," <https://asean.org/wp-content/uploads/2023/09/Leaders-Declaration-on-AHRD.pdf>
- ASEAN. "ASEAN and International Experts Discuss ASEAN Cultural Heritage List." 16 August 2023. <https://asean.org/asean-and-international-experts-discuss-asean-cultural-heritage-list/>

- ASEAN. "Human Rights," <https://asean.org/our-communities/asean-political-security-community/rules-based-people-oriented-people-centred/human-rights/>
- ASEAN. "Southeast Asia: Heartland of Our Times," <https://www.asean.or.id/11834.htm>
- ASEAN. "ASEAN Political Security Community." <https://asean.org/our-communities/asean-political-security-community/>
- ASEAN. "Major Sectoral Bodies/Committees." <https://asean.org/our-communities/asean-socio-cultural-community/culture-and-information/major-sectoral-bodies-committees/>
- ASEAN. "Representatives of SOMCA and ASEAN CSOs Gathered to Discuss the Feasibility of the Envisaged ASEAN Cultural Heritage List Today." 29 February 2024. <https://asean.org/representatives-of-somca-and-asean-csos-gathered-to-discuss-the-feasibility-of-the-envisaged-asean-cultural-heritage-list-today/>
- ASEAN. "UNESCO Representative List of the Intangible Cultural Heritage of Humanity", *the ASEAN* 32-33 (2023): 29. <https://asean.org/serial/culture-and-creativity-for-sustainable-development/>
- ASEAN. *ASEAN Strategic Plan for Culture and Arts 2016-2025*. Jakarta: ASEAN Secretariat, 2016. <https://asean.org/wp-content/uploads/2021/01/ASEAN-Strategic-Plan-for-Culture-and-Arts-2016-2025.pdf>
- Ba, Claudia. "Invisible Superstructure of the Visible: Contested Notions of Authorized Order, or How to Render the Kankurang In\_Visible." *On\_Culture: The Open Journal for the Study of Culture* 13 (2022): 1-43 <https://doi.org/10.22029/oc.2022.1264>
- Bangun, Budi Hermawan Bangun. "ASEAN Intergovernmental Commission on Human Rights and Effectiveness of Fulfilling Human Rights Obligations of ASEAN Members States." *Jambe Law Journal* 1, No.2 (2018): 231–249. <https://doi.org/10.22437/jlj.1.2.231-249>

- Bentham, Jeremy. *An Introduction to the Principles of Morals and Legislation*-1781. Kitchener: Batoche Books, 2000. <https://historyofeconomicthought.mcmaster.ca/bentham/morals.pdf>
- Britannica. "People of Southeast Asia." <https://www.britannica.com/place/Southeast-Asia/People>
- Camara, Sidy. "The History of the Notion of the State in West Africa: from the Destruction of Empires to the Emergence of the Modern State resulting from Colonization (the Case of the Mali Empire)." *RUDN Journal of World History* 12, no.1 (2020): 28-34 <http://dx.doi.org/10.22363/2312-8127-2020-12-1-28-34>
- Case concerning the Temple of Preah Vihear (Cambodia v. Thailand), Merits, Judgment of 1.5 June 1962: I.C. J. Reports 1962, p. 6. <https://www.icj-cij.org/sites/default/files/case-related/45/045-19620615-JUD-01-00-EN.pdf>
- Case concerning the Temple of Preah Vihear (Cambodia v. Thailand), Merits, Judgment of 1.5 June 1962: I.C. J. Reports 1962, p. 6. Separate Opinion of Sir Gerald Fitzmaurice. <https://www.icj-cij.org/sites/default/files/case-related/45/045-19620615-JUD-01-03-EN.pdf>
- Chainoglou, Kalliopi. "The Protection of Intangible Cultural Heritage in Armed Conflict: Dissolving the Boundaries Between the Existing Legal Regimes?." *Santander Art and Culture Law Review* 2, No. 3 (2017): 109-134 <https://doi.org/10.4467/2450050XSNR.17.025.8426>
- Chairman's Statement of the 43<sup>rd</sup> ASEAN Summit Jakarta, Indonesia, 5 September 2023.
- Charter of the Association of Southeast Asian Nations (ASEAN Charter)
- Committee on Economic, Social and Cultural Rights E/C.12/GC/21 (2009), General comment No. 21 Right of Everyone to Take Part in Cultural Life (art. 15, para. 1 (a), of the International Covenant on Economic, Social and Cultural Rights), paras 16(a) and 70. <https://digitallibrary.un.org/record/679354?ln=en>

Declaration on ASEAN Unity in Cultural Diversity: Towards Strengthening ASEAN Community.

Dira T. Fabrian. "Could the ASEAN Community Bring about a Southeast Asian Identity?." *Yale Journal of International Affairs* 28 December 2016. <https://www.yalejournal.org/publications/could-the-asean-community-bring-about-a-southeast-asian-identity>

Donders, Yvonne. "Foundations of Collective Cultural Rights in International Human Rights Law." In *Cultural Rights as Collective Rights: An International Law Perspective*, edited by Andrzej Jakubowski, 87-112. Leiden: Brill Nijhoff, 2016. [https://doi.org/10.1163/9789004312029\\_006](https://doi.org/10.1163/9789004312029_006)

Dothan, Shai. "The Three Traditional Approaches to Treaty Interpretation: A Current Application to the European Court of Human Rights." *Fordham International Law Journal* 42, No.3 (2019): 765-794. <https://ir.lawnet.fordham.edu/ilj/vol42/iss3/2>

ECOWAS Protocol A/P1/7/87 on Cultural Framework Agreement for the Economic Community of West African States (ECOWAS), <https://archive.gazettes.africa/archive/ecowas/1987/ecowas-official-journal-dated-1987-07-01-vol-11.pdf>

ECOWAS. ECOWAS Vision 2050 "ECOWAS of the Peoples: Peace and Prosperity for All." <https://www.ecowas.int/wp-content/uploads/2022/09/Vision-2050-EN.pdf>

Emmanuel, Awosusi Oladotun and Muhammed Lenn. "An Analysis of Latent Factors Influencing Gambia-Senegal Relations beyond Colonial Dichotomy." *International Affairs and Global Strategy* 75 (2019): 59-69. <http://dx.doi.org/10.7176/IAGS/75-05>

Five Year Work Plan of the AICHR 2021-2025

Green, Toby. "Identities in 'Greater Senegambia' and Beyond: History and Music in Dialogue." *British Academy Review* 27 (2016): 57-61. <https://www.thebritishacademy.ac.uk/publications/british-academy-review-issue-27-february-2016/>

- Hadiprayitno, Irene. "Deadlock and Denial: Domestic Challenges and the Institutionalization Human Rights in ASEAN." *Global Jurist* 19, No.1 (2018): 1-15. <http://dx.doi.org/10.1515/gj-2018-0001>
- Hajura, Shella. "Shared Heritage Diplomacy of Indonesia and Malaysia as Soft Power in The Southeast Asia Region." *Jurnal Hubungan Internasional* 10, No. 2 (January 2022): 84-95. <https://doi.org/10.18196/jhi.v10i2.12194>
- Henley, David. "Southeast Asian studies and the reality of Southeast Asia." *Suvannabhumi: Multi-Disciplinary Journal of Southeast Asian Studies* 12, No.2 (2020): 19-52, <https://doi.org/10.22801/svn.2020.12.2.19>
- House of Lords, "Scrutiny of International Agreements: UNESCO Convention on Intangible Cultural Heritage." International Agreements Committee 5<sup>th</sup> Report of Session 2023–24, 21 February 2024. <https://committees.parliament.uk/publications/43438/documents/216057/default/>
- Hsu, Jimmy Chia-Shin. "Human Dignity, Human Rights, and Cultural Change in Asia." In *Human Dignity in Asia: Dialogue between Law and Culture*, edited by Jimmy Chia-Shin Hsu, 1-20. Cambridge: Cambridge University Press, 2022. <https://doi.org/10.1017/9781108886598.002>
- Joint Communiqué of the 53rd ASEAN Foreign Ministers' Meeting 9 September 2020. <https://asean.org/wp-content/uploads/2021/03/12.-FINAL-Joint-Communique-of-the-53rd-AMM.pdf>
- Kien, Le Trung. *ASEAN Community: A Vietnamese Perspective*. Phnom Penh: Konrad-Adenauer-Stiftung e.V. Foundation Office Cambodia, 2021. <https://www.kas.de/en/web/kambodscha/single-title/-/content/asean-community-a-vietnamese-perspective#>
- Kurin, Richard. "U.S. Consideration of the Intangible Cultural Heritage Convention." *Ethnologies* 36, No. 1-2 (2014): 325-358. <https://doi.org/10.7202/1037612ar>



- Lowthorp, Leah. *National Intangible Cultural Heritage (ICH) Legislation & Initiatives A Case Study of Fourteen Countries*. UNESCO-New Delhi Field Office, 2010.
- Mbaku, John M. *Protecting Minority Rights in African Countries: A Constitutional Political Economy Approach*. Cheltenham: Edward Elgar Publishing, 2018.
- Muntarbhorn, Vitit. *Development of The ASEAN Human Rights Mechanism*, Briefing Paper (Brussel: Directorate-General for External Policies of the Union, the European Union, 2012), 6. <https://doi.org/10.2861/49347>
- Nandyatama, Randy Wirasta. "Conclusion: Te Future of Human Rights in ASEAN," in *The Evolution of The ASEAN Human Rights Mechanism: Institutional and Thematic Issues Within*, edited by Randy Wirasta Nandyatama, Dio Herdiawan Tobing, and Shah Suraj Bharat, 232-246. Yogyakarta: ASEAN Studies Center Faculty of Social And Political Sciences Universitas Gadjah Mada, 2019.
- Netipatalachoochote, Stanati, Aurelia Colombi Ciacchi, and Ronald Holz hacker. "Human Rights Norm Diffusion in Southeast Asia: Roles of Civil Society Organizations (CSOs) in Ending Extrajudicial Killings in the Philippines." *Journal of Southeast Asian Human Rights* 2, No. 1 (June 2018): 248-285. <https://doi.org/10.19184/jseahr.v1i2.6135>
- Office of the High Commissioner for Human Rights. "The Core International Human Rights Instruments and their Monitoring Bodies." <https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies>
- Oguamanam, Chidi. "A Critical Examination of the African Legal Framework for Indigenous Knowledge." *Journal of African Law* 67, No. 1 (2023): 1-21. <https://doi.org/10.1017/S0021855323000049>
- Olawuyi, Damilola S. "The Conservation of Nature and Cultural Heritage," in *Environmental Law in Arab States* (Oxford, Oxford University Press, 2022): 245-274. <https://doi.org/10.1093/oso/9780192896186.003.0010>

- Perez-Alvaro, Elena. "Indigenous Rights and Underwater Cultural Heritage: (De)constructing International Conventions." *Maritime Studies* 22 (2023): 1-12. <https://doi.org/10.1007/s40152-023-00320-6>
- Purwanto, Wachid and Yosi Wulandari. "Da'wah Message of Religious Pantun in Malay Pantun Published by Balai Pustaka." *Komposisi: Jurnal Pendidikan Bahasa, Sastra, dan Seni* 24, No. 2 (December 2023): 151-169. <https://doi.org/10.24036/komposisi.v24i2.125388>
- Rachminawati. "ASEAN Human Rights Declaration: A New Form of Universalism." *Indonesian Journal of International Law* 11, No. 3 (2014): 396-413. <https://doi.org/10.17304/ijil.vol11.3.504>
- Rachminawati. "Is the AICHR an Unwanted Human Rights Body in the ASEAN? The Answer from the International Organizational Law Perspective." *Padjadjaran Journal of International Law* 6, No.1 (August 2022): 43-59. <https://doi.org/10.23920/pjil.v6i1.814>
- Reingex. "ASEAN Religious Diversity. Strength or Threat?." <https://en.reingex.com/ASEAN-Religion.shtml>
- Reporting ASEAN. "Critics Slam Adoption of 'Flawed' ASEAN Rights Declaration," <https://www.reportingasean.net/critics-slam-adoption-of-flawed-asean-rights-declaration/>
- Saiin, Asrizal et al. "The Property Rights Regulation, Semenda Marriage, and Exploring the Determinants in ASEAN Countries." *Journal of Human Rights, Culture and Legal System* 3, No. 2 (July 2023): 134-159. <https://doi.org/10.53955/jhcls.v3i2.68>
- Sagart, Laurent. "Language Families of Southeast Asia." In *The Oxford Handbook of Early Southeast Asia*, edited by Charles F.W. Higham and Nam C. Kim. New York: Oxford University Press, 2022, 321-338. <https://doi.org/10.1093/oxfordhb/9780199355358.013.7>
- Salain, Made Suksma Prijandhini Devi, David Isles, and I Gusti Ngurah Wairocana. "Regulating Indigenous Culture as a Tourism Economic Resource." *Udayana Journal of Law and Culture* 1, No. 2 (2017): 121-140. <https://doi.org/10.24843/UJLC.2017.v01.i02.p03>

- Sangadji, Rayyanul M. "Indonesian Role on Human Rights Cooperation in ASEAN", Interview by I Made Budi Arsika and I Nyoman Suyatna Directorate for ASEAN Political Security Cooperation, Ministry of Foreign Affairs of the Republic of Indonesia, Jakarta, 17 October 2023.
- Santos, Arvhie. "ASEAN's Human Rights Promises and Pitfalls: is the ASEAN Effective in Advancing its Human Rights Agenda?." 23 November 2022, <https://asc.fisipol.ugm.ac.id/2022/11/23/6129/>
- Sarwar, Mariam. "Human Rights the "ASEAN Way": Exploring the Possibilities for a Regional ADR and Adjudicative Body in Southeast Asia." *Loyola Of Los Angeles Law Review* 52, No.1 (2018): 27-62 <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=3048&context=llr>
- Setiawan, Agus. "Perlindungan Hukum Dalam Lingkup Pengetahuan Tradisional dan Ekspresi Budaya Tradisional atas Soto Sebagai Indikasi Geografis dan Makanan Khas Nusantara." *Dharmasisya Jurnal Program Magister Hukum FHUI* 2, No. 1 (March 2022): 227-240 <https://scholarhub.ui.ac.id/dharmasisya/vol2/iss1/18>
- Setyowati, Herning and Alma Nurulita. "The Role of ASEAN in Dispute Resolution Between Thailand and Cambodia." *International Law Discourse in Southeast Asia* 2, No. 1 (2023): 149-170. <https://doi.org/10.15294/ildisea.v2i1.66152>
- Simuziy, Nsama Jonathan. "Universal Human Rights vs Cultural & Religious Variations: An African Perspective." *Cogent Arts & Humanities* 8, no.1 (2021): 1-15 <https://doi.org/10.1080/23311983.2021.1988385>
- Skounti, Ahmed. "The Intangible Cultural Heritage System: Many Challenges, Few Proposals." *Santander Art and Culture Law Review* 2, No.3 (2017): 61-76 <https://doi.org/10.4467/2450050XSNR.17.022.8423>
- Staats NZ. "Māori Population Estimates: At 30 June 2023." [https://www.stats.govt.nz/information-releases/maori-population-estimates-at-30-june-2023/#:~:text=At%2030%20June%202023%3A,percent%20of%20the%20national%20population\)](https://www.stats.govt.nz/information-releases/maori-population-estimates-at-30-june-2023/#:~:text=At%2030%20June%202023%3A,percent%20of%20the%20national%20population)

- Sundrijo, Dwi Ardhanariswari. *Regionalizing Global Human Rights Norms in Southeast Asia*. Cham, Palgrave Macmillan, 2021.
- Tan, Noel Hidalgo. "Envisioning the ASEAN Cultural Heritage List," *the ASEAN* 32-33 (2023): 1-66. <https://asean.org/wp-content/uploads/2023/12/The-ASEAN-Issue-32-33-Culture-and-Creativity-for-Sustainable-Development.pdf>
- Taormina, Robert J. and Christopher Selvarajah. "Perceptions of Leadership Excellence in ASEAN Nations." *Leadership* 1, No.3 (2005): 299-322. <https://doi.org/10.1177/1742715005054439>
- Tarantino, Piero. "An Alternative View of the European Idea of the Common Good: Bentham's Mathematical Model of Utility." *Revue d'études benthamiennes* 18 (2020): 1-23. <https://doi.org/10.4000/etudes-benthamiennes.8227>
- Team of Culture, Ministry of Education and Culture. "50<sup>th</sup> Golden Anniversary ASEAN Committee on Culture and Information, Secretariate of Directorate General of Culture Ministry of Education and Culture of the Republic of Indonesia, 2015." <https://repositori.kemdikbud.go.id/29724/1/GOLDEN%20ANNIVERSARY%2050%20TH%20ASEAN%20COMMITTEE%20ON%20CULTURE%20%26%20INFORMATION.PDF>
- The Arab League Educational, Cultural and Scientific Organization. "About Us, In Brief." <https://www.alecso.org/nsite/en/component/content/article/814-who-are-we-v2?catid=63&Itemid=220>
- The Arab League Educational, Cultural and Scientific Organization. "World Cultural Heritage in the Arab Countries." *Statistical Bulletin*, No.3 (2021) 1-27. <https://observatory.alecso.org/Data/wp-content/uploads/2022/03/nashra3eng.pdf>
- The ASEAN Declaration (Bangkok Declaration), 8 Agustus 1967. <https://agreement.asean.org/media/download/20140117154159.pdf>
- The ASEAN Strategic Plan on Culture and Arts 2016-2025

- The Decision of Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage No: 15.COM/8.B.30 of 2020 concerning the Inscription of Pantun on the Representative List of the Intangible Cultural Heritage of Humanity.  
<https://ich.unesco.org/en/decisions/15.COM/8.B.30>
- The United Nations Treaty Collection, "Glossary of Terms relating to Treaty Actions,"  
[https://treaties.un.org/Pages/Overview.aspx?path=overview/glossary/page1\\_en.xml](https://treaties.un.org/Pages/Overview.aspx?path=overview/glossary/page1_en.xml)
- The Ministry of Culture of the State of Qatar, "The Ministry of Culture Celebrates the World Heritage Day," <https://www.moc.gov.qa/en/the-ministry-of-culture-celebrates-the-world-heritage-day/>
- The Vientiane Declaration on Reinforcing Cultural Heritage Cooperation in ASEAN (2016).
- Thio, Li-ann. 'Implementing Human Rights in ASEAN Countries: "Promises to Keep and Miles to Go before I sleep."' *Yale Human Rights and Development Journal* 2, No.1 (1999): 1-86  
[https://digitalcommons.law.yale.edu/yhrdlj/vol2/iss1/1?utm\\_source=digitalcommons.law.yale.edu%2Fyhrdlj%2Fvol2%2Fiss1%2F1&utm\\_medium=PDF&utm\\_campaign=PDFCoverPages](https://digitalcommons.law.yale.edu/yhrdlj/vol2/iss1/1?utm_source=digitalcommons.law.yale.edu%2Fyhrdlj%2Fvol2%2Fiss1%2F1&utm_medium=PDF&utm_campaign=PDFCoverPages)
- Ugochukwu, Basil. "First, Put Out the House Fire": The Future of the African Human Rights System." *Wisconsin International Law Journal* 35, no. 2 (2018): 367-397. [https://wilj.law.wisc.edu/wp-content/uploads/sites/1270/2018/10/Ugochukwu\\_Final.pdf](https://wilj.law.wisc.edu/wp-content/uploads/sites/1270/2018/10/Ugochukwu_Final.pdf)
- UNESCO. "Arabic Calligraphy: Knowledge, Skills and Practices." <https://ich.unesco.org/en/RL/arabic-calligraphy-knowledge-skills-and-practices-01718>
- UNESCO. "Convention for the Safeguarding of the Intangible Cultural Heritage (States Parties)," <https://www.unesco.org/en/legal-affairs/convention-safeguarding-intangible-cultural-heritage#item-2>
- UNESCO. "Al Sadu, traditional weaving skills in the United Arab Emirates," <https://ich.unesco.org/en/USL/al-sadu-traditional-weaving-skills-in->

the-united-arab-emirates-

00517#:~:text=Al%20Sadu%20is%20a%20traditional,and%20prepared%20by%20the%20women.

UNESCO. “Camel Racing, a Social Practice and a Festive Heritage Associated with Camels,” <https://ich.unesco.org/en/RL/camel-racing-a-social-practice-and-a-festive-heritage-associated-with-camels-01576>

UNESCO. “Convention for the Safeguarding of the Intangible Cultural Heritage (States Parties).” <https://www.unesco.org/en/legal-affairs/convention-safeguarding-intangible-cultural-heritage#item-2>

UNESCO. “Convention for the Safeguarding of the Intangible Cultural Heritage (Declaration and Reservations).” <https://www.unesco.org/en/legal-affairs/convention-safeguarding-intangible-cultural-heritage#item-2>

UNESCO Universal Declaration on Cultural Diversity. <https://unesdoc.unesco.org/ark:/48223/pf0000127162>

UNESCO. “Kankurang, Manding Initiatory Rite,” Accessed 22 May 2024, <https://ich.unesco.org/en/RL/kankurang-manding-initiatory-rite-00143>

UNESCO. “Kebaya: Knowledge, Skills, Traditions and Practices Brunei Darussalam, Indonesia, Malaysia, Thailand, Singapore Representative List 2024.” [https://ich.unesco.org/en/files-2024-under-process-01303?include=slideshow\\_inc.php&id=02090&width=620&call=slideshow&mode=scroll#https://ich.unesco.org/img/photo/thumb/17404-HUG.jpg](https://ich.unesco.org/en/files-2024-under-process-01303?include=slideshow_inc.php&id=02090&width=620&call=slideshow&mode=scroll#https://ich.unesco.org/img/photo/thumb/17404-HUG.jpg)

UNESCO. “Pantun”. <https://ich.unesco.org/en/RL/pantun-01613>

UNESCO. “Strengthening the Capacities of States Parties for the Safeguarding of Intangible Cultural Heritage in Western Africa (Sahel),” Accessed 22 May 2024, <https://ich.unesco.org/en/projects/strengthening-the-capacities-of-states-parties-for-the-safeguarding-of-intangible-cultural-heritage-in-western-africa-sahel-00447>

- UNESCO. "Traditional weaving of Al Sadu," <https://ich.unesco.org/en/RL/traditional-weaving-of-al-sadu-01586#:~:text=Traditional%20weaving%20of%20Al%20Sadu%20refer%20to%20the%20traditional%20woven,made%20on%20a%20ground%20loom>
- UNESCO. "Tugging Rituals and Games." <https://ich.unesco.org/en/RL/tugging-rituals-and-games-01080>
- United Nations Human Rights Council, Report of the Special Rapporteur in the Field of Cultural Rights A/HRC/40/53, 17 January 2019. <https://www.ohchr.org/en/documents/thematic-reports/ahrc4053-cultural-rights-tenth-anniversary-report-report-special>
- Vienna Convention on the Law of Treaties 1969
- Wahyuningrum, Yuyun. "A Decade of Institutionalizing Human Rights in ASEAN: Progress and Challenges." *Journal of Human Rights* 20, No.2 (2021): 158-175. <https://doi.org/10.1080/14754835.2021.1875811>
- Wahyuningrum, Yuyun. "ASEAN Cultural Rights", Interview by I Made Budi Arsika and I Nyoman Suyatna, Zoom Meeting, 18 October 2023.
- Wattimena, Vinsky Garcia. "Indonesian Role on Human Rights Cooperation in ASEAN", Interview by I Made Budi Arsika and I Nyoman Suyatna Directorate for ASEAN Political Security Cooperation, Ministry of Foreign Affairs of the Republic of Indonesia, Jakarta, 17 October 2023.
- Wicaksono, Raden Mas Try Ananto. "Reviewing Legal Justice, Certainty, and Legal Expediency in Government Regulation Number 24 of 2018 Concerning Electronically Integrated Business Services". *Lex Scientia Law Review* 5, no. 1 (2021): 1-24. <https://doi.org/10.15294/lesrev.v5i1.44905>
- Wijayanti, Monica Ari et.al, "ASEAN Cultural Cooperation," Directorate for ASEAN Socio Cultural Cooperation, Ministry of Foreign Affairs of the Republic of Indonesia, Jakarta, 17 October 2023.
- Yupsanis, Athanasios. "The Concept and Categories of Cultural Rights in International Law - Their



Broad Sense and the Relevant Clauses of the International Human Rights Treaties Name.” *Syracuse Journal of International Law and Commerce* 37, No.2 (2010): 207-266.

Yusuf, Imtiyaz. “Managing Religious and Ethnic Diversity for Peace and Harmony: Islam and Buddhism in the Malay World of South East Asia.” *Journal of Malay Islamic Studies* 1, No. 2 (December 2017): 129-140, <https://doi.org/10.19109/jmis.v1i2.3835129>