Asia has often been portrayed as something of a dead zone for regional approaches to human rights. Region-wide initiatives are usually seen as weak, with several countries being partial or reluctant participants in the international human rights regime. As Dinah Shelton concisely wrote in 2007, “Neither Asia nor the Middle East has any regional [human rights] system in place. These regions remain dependent on the work of the U.N. to promote and protect human rights” (Shelton 2007, 471-72). This situation is usually portrayed in stark contrast to Europe, the Americas and Africa, where long-established (if not always effective) regional human rights mechanisms exist, as integral parts of the Council of Europe, Organization of American States, and Organization of African Unity, respectively. With Emerging Regional Human Rights Systems in Asia, Tae-Ung Baik strongly challenges this conventional wisdom. Baik argues that there in fact is an emerging regional human rights system in East Asia, with strong momentum toward a regional human rights commission or charter (153).

Before exploring Baik’s claims further, it is worth noting the geographical scope of his argument. While Baik admits the possibility of a broader institution eventually encompassing the Pacific Islands or Middle East, his core claim is that a regional system is emerging that covers East Asia, Southeast Asia, and South Asia. His analysis thus concentrates on twenty-three states in these regions, namely the ten ASEAN member states and East Timor in Southeast Asia; seven out of the eight SAARC states in South Asia (Afghanistan being omitted); and China, Mongolia, North Korea, South Korea, and Japan in East Asia (26). Although many observers, including myself (Wolman 2010), have noted the recent emergence of sub-regional human rights systems in Asia, Baik explicitly focuses his attention on this broader regional group as the locus for future action. While acknowledging that sub-regional groups are in many ways on the leading edge of Asian human rights cooperation, he feels that “each sub-region is not sufficiently independent and sustainable” (231) and that “sub-regional approaches cannot be a substitute for pan-regional cooperation” (23).

It is also worth exploring further Baik’s usage of the ‘systems’ approach, which he characterizes as “a methodology for analyzing an object, with the emphasis on the constituent elements of a system” (37). Although more commonly used in other fields, the systems approach has been introduced into legal analysis by Lynn LoPucki and applied to human rights by Dinah Shelton (37-38). It is a methodology which Baik feels is appropriate for a specific time-frame in the development of the human rights movement in Asia, even if a full-blown regime has yet to emerge (39). According to Baik, the three essential elements of a human
rights system are norms, institutions, and implementation, each of which are examined in greater detail in the three chapters that contain the substantive core of his text.

The chapter on norm development commences with a brief examination of the Asian Values debate. Baik dismisses the political debate as unedifying, and instead embraces more recent research into the domestication of international norms as providing greater insight into the filtering process by which indigenous norms “evolve under the influence of foreign norms” (59). Baik then proceeds to show that the human rights movement has in fact been embraced—to at least some extent—within Asia. All Asian states have ratified the Convention on the Rights of the Child and the Convention to Eliminate all Forms of Discrimination Against Women (87). Most have also ratified several other core human rights treaties, albeit sometimes with significant reservations. Baik shows how these treaties become effective in domestic legal systems, either directly, as in several ‘monist’ states, or through incorporation or transformation, as in so-called ‘dualist’ states. He also details the varying places that international law possesses in the domestic law hierarchy of Asian nations. Baik then reviews domestic rights norms in Asia, especially as contained in written constitutions, which all twenty-three nations now possess. Baik sees these domestic-level norms as a positive sign for regional cooperation. Baik finally reviews human rights-related norms that he sees developing at the regional and especially sub-regional levels. These include the 2004 SAARC Social Charter, the 2007 ASEAN Charter, the 1993 Bangkok Declaration, and NGO-initiated documents such as the Asian Human Rights Charter of 1998.

The next chapter reviews institutions of two types: those addressing human rights in Asia and those that promote regional integration. First, Baik describes those governmental and inter-governmental institutions involved with Asian human rights at the global, sub-regional, and domestic levels. This includes the UN Human Rights Council, various sub-regional bodies such as the ASEAN Intergovernmental Commission on Human Rights, and domestic institutions such as constitutional courts and national human rights commissions. Second, he details the numerous non-human rights focused regional institutions, such as Asia Pacific Economic Cooperation, the UN Economic and Social Commission for Asia and the Pacific, and the East Asia Summits.

Baik then turns to those institutions that combine both a regional scope and a focus on human rights. Many of these are non-governmental movements that address human rights across Asia rather than being confined to a single country. At the governmental level, Baik highlights the Asia Pacific Forum for National Human Rights Institutions and the series of U.N. semi-annual workshops on building an Asian regional human rights system. While the now-defunct series of U.N. workshops may equally well be seen as a failed attempt to foster regionalism, the prominence given to the Asia Pacific Forum is warranted, as it has been called the “closest that the Asia-Pacific region has come to a regional arrangement or machinery for the promotion and protection of human rights” (Muntarbhorn 2005). However, the Asia Pacific Forum is not an international organization, but