

Tae-Ung Baik, *Emerging Regional Human Rights Systems in Asia*, Cambridge University Press, 2012, 352pp, ISBN 978-1-107-01534, 65 GBP.

Human Rights and Asia have often been seen as substantially different. Against the universalist claim of the human rights movement, Lee Kwan Yew's infamous "Asian values" and other theories essentializing the difference of Asian cultures were used to justify countless illiberal policies. Today, Asia and Oceania feature as the only inhabited continents without any forms of regional human rights complaint mechanism (by contrast to the development of the European Court of Human Rights, the Inter-American Commission and Court on Human Rights, and the African Commission and Court on Human and People's Rights). Overall, states of the Asia-Pacific region generally have poor records in ratifying international human rights treaties.

Addressing the protection of human rights in Asia, Tae-Ung Baik's book oscillates between two projects: a synthesis or an essay. On the one hand, it achieves an informative overview of the human rights protection throughout Asia, in particular in Northeast Asia. As such, it presents the norms and institutions that have been established or are being discussed, and it discusses the issues of implementation. The book is relatively concise and adequately informed. It reflects a growing academic interest in extra-European regionalism as a way to reinforce the global protection of human rights. Thus, as a synthesis, the book may be a useful foretaste for students of law or political sciences or for anyone else interested in the topic. The format of the book will allow its use as a basic course support for teaching human rights in Northeast Asia.

On the other hand, for those tempted to read the book as an essay bringing an original contribution to the on-going debate on human rights in Asia, the study may lack a more thorough analysis. Tae-Ung Baik has an interesting idea: the author aims at applying the systems approach – a methodology originally developed in engineering – to decompose the impediments to an effective human rights protection into sub-problems that can be solved in a coordinated manner. Thus, following an analytical framework suggested by Dinah Shelton, Tae-Ung Baik distinguishes the "norms, institutions, and enforcements procedures as the key elements of a human rights system" (at 40). However, the book does not really identify the key impediments for the effective protection of human rights in Asia, or the sub-problems to be addressed. The book remains mostly descriptive, and there is hardly any attempt at the "law and society" analysis that would be needed to understand why Asia does not have a more functional human rights protection.

As to the norms, for instance, Tae-Ung Baik evades a qualitative analysis of the substantial differences (if any) between the human rights protected in Asia and those recognized internationally. In particular, is there anything true in the claim that "Asian" human rights put more emphasis on socio-economic rights or on holistic values? Or do the cultural, historical, economic, demographic, or geopolitical situations of Asian states impact anyhow the way rights are recognized and protected? Can "human rights" be approached as a monolithic set of norms and their enforcement by states be evaluated on a global scale such as the "freedom index" (at 262, 266), or should there be some form of a regional margin of appreciation? Rather than dealing with such thorny but central issues, the chapter on "human rights norms in Asia" contents itself with providing raw information as to how many states have ratified how many treaties with how many reservations, or how many states have adopted a constitution. The rare attempts at a doctrinal study of human rights law are unconvincing. For instance, I do not agree that article 36(3) of the Chinese constitution allowing restrictions to the freedom of religious belief "effectively disables the enjoyment of religious rights" (at 114) – indeed, article 9(2) of the European Convention on Human Rights allows for broader restrictions. Little is said about the different forces (e.g. endogenous or exogenous) that promote human rights in Asia or impede further developments. Asian values may well be a "political slogan" (57), but this does not tell us anything about their inherent values: good arguments are sometimes used for political ends.

Another caveat relates to the vague geographical scope of the book. A difficulty of analyzing human rights in Asia relates to the lack of consensual definition of “Asia.” The author aims at focusing twenty-three states of “East Asia” – which includes not only Northeast Asia, but also Southeast Asia and South Asia. Nevertheless, some of the discussion focuses in particular on China, Japan and South Korea (e.g. at 61-68), while other parts extend to Central Asia, the Middle East and the Pacific (e.g. at 26, 198-215). It is difficult to speak about Asia without assuming, as the author does, that “Asia represents a region whose collective identity is still being formed” (at 52), but is there any evidence that a pan-Asian identity is indeed being formed? Are Asian states not rather engaged in stronger cultural exchanges with non-Asian states (in particular, for several states, the United States), making a regional convergence always less likely? There might be something artificial in the tempting approach of putting Asia in perspective with other regions (e.g. at 158), as the region lacks the coherence of Europe, the Americas, and perhaps even Sub-Saharan Africa.

All in all, this book is a useful introduction to some of the contemporary discussions on human rights in Asia, but it hardly constitutes a significant new contribution to the understanding of the difficult relation between human rights and Asia.

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