



# The Responsibility to Protect in Southeast Asia

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## The Asia-Pacific Centre for the Responsibility to Protect

The Asia-Pacific Centre for the Responsibility to Protect is an Associate of the Global Centre for the Responsibility to Protect. The Centre's mission is to advance the Responsibility to Protect principle within the Asia-Pacific Region and worldwide, and support the building of capacity to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

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### Previous Publications:

December 2008: 'China and the Responsibility to Protect' Report

October 2008: 'Japan and the Republic of Korea on the Responsibility to Protect' Report

October 2008: Joint Submission to the Defence White Paper by the Asia-Pacific Centre for the Responsibility to Protect and act for peace

August 2008: 'ASEAN, Australia and the Responsibility to Protect', Joint Submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade by the Asia-Pacific Centre for the Responsibility to Protect and act for peace

June 2008: The Responsibility to Protect and the Protection of Civilians: Asia-Pacific in the UN Security Council' Report

May 2008: 'Cyclone Nargis and the Responsibility to Protect' Report

March 2008: 'Program on the Protection of Civilians: Background and Scope' Report

February 2008: 'Preventing Mass Atrocities: Asian Perspectives on R2P' Conference Proceedings

### Associated Journal:

The Asia-Pacific Centre for the Responsibility to Protect launched and manages the world's first quarterly journal dedicated to publishing the best research on the Responsibility to Protect: Global Responsibility to Protect available at <http://www.brill.nl/gr2p>



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# 1. Executive Summary

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The 63<sup>rd</sup> United Nations (UN) General Assembly is poised to debate Secretary-General Ban Ki-moon's report on the operationalisation of the Responsibility to Protect (referred to as 'R2P' for the remainder of this report). It is expected that his report will be released and debated in early 2009. Therefore, this is a good time to examine the position that Member States have adopted on the R2P since its endorsement at the 2005 World Summit and policy issues relating to its implementation through the UN. This report will focus on the Member States of the Association for South East Asian Nations (ASEAN) with the exception of Myanmar, which is currently on the UN Security Council's agenda.<sup>1</sup> It concentrates on their position on the R2P and their policy priorities in areas related to implementing the principle through the UN. The report identifies steps that might encourage the region's governments to become more positively engaged with the R2P principle. In relation to how the principle should be conceptualised and applied, the analysis contained in this report suggests that:

1. *R2P should be understood as applying only to the four crimes identified by the World Summit Outcome Document and not other sources of human insecurity such as natural disasters.*
2. *R2P should be carefully disassociated from any potential expansion of the scope for coercive interference in the domestic affairs of states beyond the UN Charter.*
3. *International engagement to implement the R2P should be predicated on cooperation and the consent of the state as far as possible.*
4. *Such engagement should proceed with due regard for the attitudes and preferences of relevant regional and sub-regional organisations.*
5. *In Southeast Asia, this means that the R2P should be applied in a manner consistent with the principle of non-interference.*

In relation to the best way of actually advancing consensus on the R2P and measures to translate the principle from words to deeds, the report demonstrates that:

- 1. The development and application of the R2P should proceed cautiously, inclusively and on the basis of consensus in the UN General Assembly.*
- 2. The R2P principle should be related more closely to the legitimate priorities of developing states, especially in the fields of development and capacity-building.*
- 3. Regional organisations should be involved as far as possible in order to devolve ownership of the principle.*

It is important to note that the region's reservations about the R2P relate not to the principle itself as set out in the 2005 World Summit Outcome Document but to the possibility for the principle to be abused to justify expanded coercive interference in the domestic affairs of states or unilateral intervention not properly authorised by the UN Security Council. The region's governments also take a broader view of protection than that typically offered in the West and insist that populations are also insecure when they are unable to afford food, proper health care and access to basic education. As such, Southeast Asian governments are generally supportive of the concept of human security and are keen to ensure that the R2P does not crowd out global efforts to assist states in achieving the Millennium Development Goals (MDGs).

Given this, it is possible to deepen consensus on the R2P among Southeast Asian governments and to engage the region in the effort to translate the principle from words to deeds. The key to doing so lies in demonstrating how a commitment to the R2P strengthens sovereignty and assists states to accomplish their core goals, such as economic development and poverty alleviation and ensuring that the R2P is not misapplied to circumstances outside the scope set out by world leaders in 2005.





Map 1: Southeast Asia



## 2. A Note on Method

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This report employs a simple method of document analysis. In order to build a clear picture of where Southeast Asian governments stand, this report focuses almost exclusively on what they have actually said in public speeches and statements in various forums (though mainly in various UN meetings). The report takes the governments at their word on the assumption that they normally say what they mean. As well as covering specific references to the R2P, the report also sets out the thinking of the region's governments on issues related to implementing the principle through the UN. This is done in the interests of presenting a comprehensive and holistic account of their thinking about the R2P and related policy priorities in order to elicit as many ideas as possible from governments about the steps necessary to translate the R2P from words to deeds. The policy prescriptions that emerge are those put forward by the states themselves and their cataloguing here should not be read as indicating the Asia-Pacific Centre for the Responsibility to Protect's endorsement. Instead, the report should be read only as a guide to these states' thinking on the R2P and related issues at the UN and an indication of the sorts of measures likely to elicit their support. This report focuses on the positions adopted by the region's governments, not by ASEAN itself. Nor does it address specific developments within ASEAN. The report is organised alphabetically but does not include Myanmar as the situation in that country is a matter on the agenda of the UN Security Council and will be addressed separately.



### 3. Translating the Responsibility to Protect from Words to Deed

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Mass killing and forced displacement is an all too frequently recurring phenomenon. Those who think that tragedies like the Rwandan and Srebrenica genocides at the end of the last century are a thing of the past need only look to Darfur today to see the durability of humanity's capacity for acts of conscience shocking inhumanity. In the past few years, the world has united in insisting that all states have a responsibility to protect their populations from such grave abuses and that the international community should assist states in fulfilling their responsibilities and, if the state manifestly fails, take measures to protect vulnerable populations. World leaders unanimously adopted the Responsibility to Protect at the United Nations World Summit in 2005. Paragraphs 138-140 of the Summit's Outcome Document declared that:

138. Each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter of the United Nations, to help protect populations from war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organisations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit



ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.

The following year, the Responsibility to Protect was unanimously reaffirmed by the United Nations Security Council in Resolution 1674, which stated the Council's determination to protect civilians.

According to the UN Secretary-General, Ban Ki-moon, the Responsibility to Protect rests on three pillars:

- 1) The responsibility of each state to protect its own population from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement.
- 2) The commitment of the international community to assist states in meeting their obligations.
- 3) The responsibility of United Nations Member States to respond in a timely and decisive manner, using Chapters VI (Pacific Settlement of Disputes), VII (Action with Respect to Threats to the Peace), and VIII (Regional Arrangements) of the UN Charter as appropriate, when a state is manifestly failing to provide such protection.

The Secretary-General has pledged to make recommendations to 'operationalise' the Responsibility to Protect and translate the principle from 'words to deeds'. He indicated that his support for what he describes as the 'concept' of the Responsibility to Protect is 'deep and enduring' but recognised that it is not yet a policy or reality. The Secretary-General also recognises the 'controversy and doubts' that surround the Responsibility to Protect.<sup>2</sup>

In 2007, the Secretary-General appointed Edward Luck as his Special Adviser to work alongside Francis Deng, his Special Representative on the Prevention of Genocide, on the prevention of genocide and the Responsibility to Protect. Edward Luck was charged with consulting with Member States on the Responsibility to Protect and making recommendations for its operationalisation within the UN system. The Special Adviser is scheduled to submit a report to the Secretary-General later this month. After further consultations with Member States, the Secretary-General will submit a report on the Responsibility to Protect in late 2008, which is likely to be debated by the 63<sup>rd</sup> General Assembly in early 2009.

The Special Adviser of the Secretary-General argues that the R2P 'represents the application of human security perspectives to a specific area of public policy that has long vexed publics and policymakers alike'.<sup>3</sup> He has identified four main programmatic dimensions to the implementation of the Responsibility to Protect's core prevention and protection goals: (1) capacity building and rebuilding; (2) early warning and assessment; (3) timely and decisive response; (4) collaboration with regional and subregional arrangements.<sup>4</sup>

*Capacity building and rebuilding:* in relation to R2P, capacity building 'means strengthening the ability of individuals, institutions and societies to prevent or diminish the threat of the four crimes and violations and/or to respond when such atrocities do occur and to rebuild afterwards'.<sup>5</sup> Relevant measures include using the Peacebuilding Commission, development entities and bilateral arrangements to strengthen good governance and effective public administration. This would involve closer collaboration between headquarters and field missions, and between UN agencies and various partners.<sup>6</sup>

*Early warning and assessment:* paragraph 138 of the World Summit Outcome Document specifically pledged support for the establishment of a UN early warning capability. The challenge lays less in collecting the relevant information than in analysing and disseminating it. Member States have traditionally been reluctant to grant the UN the capacity to report affairs within individual states in this manner and there are also concerns about institutional overlap. Plans are afoot to consolidate the analysis and sharing of information under a single UN office for the Prevention of Genocide and the R2P.<sup>7</sup>

*Timely and decisive response:* the R2P calls for timely and decisive responses to the four crimes in cases where national authorities are 'manifestly failing' in the responsibility to protect their populations. Such responses should be consistent with Chapters VI (Pacific Settlement of Disputes), VII (Action with Respect to Threats to the Peace), and VIII (Regional Arrangements) of the UN Charter. Measures under discussion to strengthen the UN's capacity in this area involve improving the Secretary-General's good offices functions, clarifying the role of the secretariat in advocating particular action by the Security Council and bringing matters to the Council's attention, improving the transparency of the Council's deliberations, securing the appropriate resources for peace operations, and developing appropriate doctrine for the protection of civilians.<sup>8</sup>

*Collaboration with regional and subregional arrangements:* the R2P can strengthen the UN's efforts to improve its collaboration with regional and subregional arrangements. Such collaboration should focus on ways in which the UN might help build regional capacity among regional and subregional organisations in prevention and protection efforts, and information sharing. The establishment of a UN Office for West Africa in Dakar might provide a useful model.<sup>9</sup>

In order to make progress in implementing these four programmatic dimensions, the Secretary-General will need to persuade Member States of their value and assuage concerns about the potential encroachment of the UN into areas traditionally seen as lying within the domestic jurisdiction of states and the concerns of those who worry about the duplication of pre-existing mandates and attendant organisational inefficiencies. With the opening of the 63<sup>rd</sup> General Assembly in September 2008, now is a useful time to consider where states in the Asia-Pacific region stand in relation to both the R2P principle and proposals for its actualisation. This Report examines the perspective of Southeast Asian governments and sets out their views on the R2P principle, the four programmatic dimensions outlined above, and other issues related to the R2P. It concludes by identifying policy initiatives in relation to the UN that have been developed or supported by the region's governments which might contribute to translating the R2P from words to deeds.



## 4. Brunei Darrussalam (Brunei)

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### 4.1 Background

Brunei supported the 2005 World Summit Outcome Document with its endorsement of the R2P and although it did not specifically comment on the R2P in 2005, it has subsequently affirmed the principle in the context of the Commonwealth. Brunei often presents itself as an advocate and mentor to other states in the promotion of responsible sovereignty. In addition, despite its relatively high GDP per capita (ASEAN's highest, standing at \$30,159 in 2006), Brunei regards itself as a developing state and prioritises development issues over peace and security issues – presumably seeing R2P in the latter basket.<sup>10</sup> To this end, Brunei insists that international organisations have an important role to play in providing development assistance. Finally, Brunei claims a regional leadership role in multilateral dialogue.

### 4.2 Brunei and the Responsibility to Protect

Although it does not often specifically refer to the R2P, Brunei has indicated its support for the World Summit Outcome Document and the principle itself. At the 2005 World Summit, Brunei tacitly indicated its support for the need for states to cooperate to address common challenges. His Majesty the Sultan stated that:

‘The new realisations which have resulted can be put quite simply: the future will involve more and more contact with the rest of the world; we will be more and more affected by what happens outside our borders; and we will be more and more dependent on that outside world. That means one thing: future peace, prosperity and confidence depend not just on ourselves, but on the success of all nations. Hence, we are all partners, no matter what our backgrounds, cultures, faiths and histories’.<sup>11</sup>

Subsequently, the Ministry of Foreign Affairs and Trade stated that Brunei welcomed and supported the 2005 World Summit Outcome Document.<sup>12</sup> In so doing, Brunei's Foreign Ministry listed two principal aims of its foreign policy: ‘[C]ontribute towards promoting peace, security, stability, and prosperity in the region, particularly by fostering deeper understanding among countries’ and ‘Adhere to the United Nations Charter, international law and universally

recognised principles of sovereignty, self-determination, (fundamental human rights) and social justice'.<sup>13</sup>

Brunei's clearest statement of support for the R2P came in November 2007 when the Minister for Foreign Affairs and Trade endorsed R2P at the Commonwealth Heads of Government Meeting (CHOGM) in Uganda. Affirming CHOGM's 2007 Communiqué, Brunei clearly stated its commitment to 'the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity is a fundamental Commonwealth value, and reiterated their commitment to work together to ensure that the responsibility to protect is carried out by the international community, in accordance with the UN Charter'.<sup>14</sup>

In summary, therefore, although Brunei has seldom specifically referred to the R2P, when it has done it has been broadly supportive and in 2007 Brunei offered a specific endorsement.

### 4.3 R2P Related Policy Priorities

- Development assistance for capacity building
- Reform of the UN and Security Council
- Strengthening the UN's capacity to provide humanitarian assistance

#### ***Development Assistance for Capacity Building***

Brunei regularly raises the Millennium Development Goals (MDGs), which it considers to be a vital component of establishing effective and secure sovereign states. Thus, Brunei argues that, 'there will be no lasting security' for either sovereigns or humans if the Goals are not realised by everyone.<sup>15</sup> Moreover, it emphasised that '[a]chieving the goals will help to consign to history the twentieth-century concept of first-, second-, and third-world countries. It will help to develop a single twenty-first century world in which we will all have shared responsibilities and shared hopes'.<sup>16</sup> This connection between economic development and national security was again emphasised in 2007, when the Minister for Foreign Affairs and Trade reiterated Brunei's view that achieving the MDGs is vital for establishing the security of states and hence for international peace and security more generally.<sup>17</sup>

In Brunei's thinking, even reform of the UN and the Security Council is strongly linked to its focus on economic development and the need for the global organisation to give a greater voice to small and developing states.



### ***Reform of the UN and the Security Council***

Brunei supports the reform of the UN and Security Council to make them better able to address twenty-first century challenges and is keen to ensure that reforms reflect the priorities and interests of the developing world. As such, it asked: '[d]oes the proposed reform reflect the current century, its priorities, its special challenges and its changing character? In other words, are we certain that we are not trying to solve twenty-first century problems with the mechanisms, priorities and procedures of the twentieth-century and sometimes even of the nineteenth-century?'<sup>18</sup>

In September 2005, Brunei's Minister for Foreign Affairs declared his government's support for a reformed and 'revitalised' UN, arguing that 'a new United Nations is needed by the ordinary citizens we are privileged to represent here'.<sup>19</sup> According to Brunei, reform of the UN and Security Council are required for two principal reasons. First, the UN should be reformed to make it better able to deliver on the MDGs. Thus:

Many of us here, especially those from small developing nations, are, therefore, convinced that world order must be dramatically strengthened. As I stated at the High-level Plenary Meeting two days ago [see A/60/PV.6], there is no greater way to begin this process than for each of us to achieve the Millennium Development Goals (MDGs). For this reason, we in Brunei Darussalam will do whatever we can to achieve them in our own country and to help our neighbours do likewise'.<sup>20</sup>

Second, the UN and Security Council should be reformed in order to give a stronger voice to the organisation's small and developing Member States.<sup>21</sup>

### ***Strengthening Humanitarian Assistance***

Although it has not discussed the issue at length, Brunei has indicated its general support for measures aimed at strengthening the UN's capacity to provide humanitarian assistance to troubled states. In 2006, Brunei stated that the UN played a vital role in helping people in need and that 'in the refugee camps, in the disaster areas and in all the other arenas of destruction, the United Nations offers all they have by way of hope' and therefore, any reform within the UN must consider if it is 'relevant to ordinary peoples' personal lives and problems'.<sup>22</sup> This seems to suggest that Brunei would support measures aimed at improving the UN's capacity to provide hope and sustenance to those most in need of it.

#### 4.4 Summary

Although it has seldom spoken directly on the R2P, Brunei welcomed the 2005 World Summit Outcome Document and indicated its support for the R2P at the 2007 CHOGM. Brunei has expressed no opinion on the precise meaning and scope of the R2P or on how the principle can be translated from words to deeds. Without doubt, Brunei's overarching policy priority is the achievement of the MDGs and the role of international institutions in supporting their attainment. Brunei's comments on the need for Security Council reform and the strengthening of the UN's capacity to provide humanitarian assistance indicate that it accepts the idea that it is appropriate for international organisations to assist states in the protection of vulnerable populations, but Brunei has not expressed policy proposals of its own and neither has it taken a clear position on a range of other proposals. Overall, Brunei's statements over the last three years demonstrate its endorsement of the R2P and an apparent willingness to participate in dialogue about how the principle can be translated from words to deeds, but exhibit a clear preference for resources to be dedicated towards economic development and the provision of humanitarian assistance.



## 5. Cambodia

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### 5.1 Background

Cambodia has a bloody and tragic recent history. After years of civil war, Cambodia was subjected to the genocidal Khmer Rouge regime. Between 1975 and 1979 approximately 2 million people, or a third of the country's population, died as a result of atrocities and regime-induced displacement and famine. The Khmer Rouge's reign of terror was brought to an end by Vietnamese intervention in 1979 but civil war persisted for a decade, before the Paris Peace Agreement brought peace to the country, overseen by a UN Transitional Administration (UNTAC) in 1992. Cambodia has a low GDP per capita of \$512, with only Myanmar recording a lower GDP per capita within ASEAN. Cambodia was one of the first states to ratify the ASEAN Charter, which contains provisions for the establishment of a regional human rights body and security community. In addition, Cambodia is the only ASEAN member to have signed and ratified the Rome Statute of the International Criminal Court.

Although Cambodia supported the World Summit Outcome Document and the Secretary-General's Report *In Larger Freedom*, both of which endorsed the R2P, it has not specifically commented on the principle to indicate either its support or opposition. However, the Cambodian government has voiced support for a variety of measures that could be linked to the operationalisation of the R2P. Specific measures endorsed by Cambodia include strengthening the world's capacity to use mediation to de-escalate conflicts, measures to stem the proliferation of small arms and light weapons, and broad support for peace operations. It should be noted that Cambodia emphasises the MDGs at almost every opportunity but that this is not to avoid discussion about international peace and security, or broader reform of the UN.

### 5.2 Cambodia and the Responsibility to Protect

At the 2005 World Summit, Cambodian Prime Minister Hun Sen expressed support for Kofi Annan's report *In Larger Freedom*, which endorsed the R2P principle, and noted the relationship between human rights, the rule of law, democracy, security and economic development. The Prime Minister argued that, 'with regard to freedom from want, we fully

share the Secretary-General's analysis of the interlinkages between human rights, the rule of law, democracy, security and development. We should therefore work on all fronts at the same time. Unless all the interdependent causes are advanced, none can succeed'.<sup>23</sup> Cambodia's support for the subsequent World Summit Outcome Document was stated immediately after the Summit when it argued that 'outcome document reaffirmed our commitment to the principles of the Charter of the United Nations and provided us with a new hope for achieving our noble goals of strengthening peace and stability in the world, a *sine qua non* for the development and prosperity of all humankind. Admittedly, the outcome document did not respond to all of our concerns [especially in relation to development], but it gave us a framework for our future action'.<sup>24</sup> Cambodia also expressed tacit support for the idea that responsible and effective sovereignty was the bedrock of international peace and security and that the UN had a role to play in supporting Member States.<sup>25</sup>

In summary, therefore, although Cambodia has not specifically referred to the R2P in its public statements to the UN, it welcomed both the Secretary-General's Report *In Larger Freedom* and the World Summit Outcome Document, both of which endorsed the R2P. Moreover, Cambodia has expressed support for a range of measures aimed at assisting states to fulfil their responsibility to protect and strengthening international capacity.

### 5.3 R2P Related Policy Priorities

- Economic development
- Disarmament as conflict prevention
- Peacekeeping operations
- Reform of the UN

#### ***Economic Development***

Given Cambodia's GDP per capita, it is not surprising that it prioritises economic development. Cambodia has repeatedly argued that assisting with economic development should be the UN's main priority. In expressing his support for the 2005 World Summit Outcome Document, Prime Minister Hun Sen also argued that development and aid should have been more at the forefront of the 'international community's attention'.<sup>26</sup> He argued that Cambodia's progress towards achieving their MDGs required increased investment by foreign donors and that the developed world should commit 0.7% of their GDP to foreign aid. Significantly, Hun Sen argued that measures to improve economic development and alleviate poverty should be considered conflict prevention measures and that development was a necessary link to good governance and capacity building. Thus, he maintained that: 'It goes without saying that development is the cement for peace. Development in one part of the

world cannot be sustained without development elsewhere. Cambodia believes in national ownership in devising strategies to develop itself. We also believe in the crucial importance and necessity of international partnership. We equally believe in the importance of good governance at the national, international and corporate levels'.<sup>27</sup>

### ***Disarmament as Conflict Prevention***

It is often remarked that one of the greatest difficulties within ASEAN is securing support for measures that seem to replace the idea that sovereignty is always inviolable with the idea of sovereignty as responsibility. However, in September 2006, Cambodia spoke in support of the Secretary-General's progress report on the prevention of armed conflict.<sup>28</sup> The Cambodian delegation agreed with the Secretary-General's assessment that 'there has been a gap between rhetoric and reality. Admittedly, the performance of the United Nations has so far not been satisfactory to Member States in terms of the efforts made to avert the armed conflicts which we have seen in the context of the current developments unfolding in different parts of the world, in which a large number of people, both civilians and military personnel, have been killed'.<sup>29</sup> Cambodia's endorsement of the Secretary-General's position on prevention implies a degree of support for the preventive aspects of the R2P. In relation to the question of specific preventive measures, however, Cambodia has been less forthcoming though it has exhibited a commitment to measures aimed at regulating the flow of small arms and light weapons.

In line with many other states in the Asia-Pacific region, Cambodia has consistently emphasised the importance of disarmament as part of any effort aimed at preventing the escalation of conflict into mass atrocities. Cambodia has called for regional and global cooperation directed at 'the promotion of confidence-building measures...in that endeavour'.<sup>30</sup> To this end, Cambodia has ratified the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and a range of other legal instruments. Moreover, Cambodia supported efforts to reach consensus on the Nuclear Non-Proliferation Treaty and regretted the international community's inability to reach a consensus on that in 2005. 'We believe that people need food, not weapons', Cambodia maintained.<sup>31</sup>

In relation to small arms and light weapons, Cambodia has expressed support for multilateral efforts in the 'systematic collection, destruction, and registration of small arms and light weapons' as a conflict prevention measure.<sup>32</sup> In rather generic terms, it has suggested that 'efforts at the bilateral, subregional and regional levels should continue to be pursued in parallel with a multilateral approach' for disarmament and non-proliferation.<sup>33</sup> Cambodia reiterated this position in 2007, when it raised the importance of addressing the proliferation of



small arms and light weapons as a key preventive measure against terrorism, violence and regional conflicts.<sup>34</sup>

### ***Peace Operations***

Given Cambodia's history, it is not surprising that it supports the strengthening of the UN's capacity to deploy peace operations in a timely and decisive fashion. In 2006, Cambodia expressed its full support for UN mandated peacekeeping operations and has, since 2005, begun to contribute to peacekeeping by providing troops and equipment to the UN missions in Sudan and Timor-Leste.<sup>35</sup> In relation to the need to strengthen peace operations, Cambodia has highlighted two critical points. First, the need to ensure that forces can be deployed in a timely fashion. Cambodia argues that timely deployment requires the cooperation, political will and mutual trust of all the parties involved.<sup>36</sup> Second, Cambodia supports the strengthening of regional peacekeeping capacity. It has suggested that as ASEAN is working towards the establishment of 'the ASEAN security community', it could 'eventually also become active in strengthening the work of the United Nations'.<sup>37</sup>

### ***Reform of the UN***

Cambodia maintains that reform of the UN should be cautious and focus on areas of consensus, as divisive reform debates divert attention away from key priorities such as development. It is worth noting that Cambodia believes that too much attention was devoted to reform of the Security Council at the cost of the other reform measures that Kofi Annan had proposed prior to the World Summit. Thus, Cambodia noted that failure to achieve all of the agendas set out for the reform process of the United Nations in 2005 was due to 'too much emphasis...on the reform of the Security Council'.<sup>38</sup> Cambodia argued that all states should learn from this lesson and that in future debates about organisational reform discussions should first address issues that are less controversial.<sup>39</sup>

## **5.4 Summary**

There is much scope for engaging Cambodia on translating the R2P from words to deeds. Having welcomed both *In Larger Freedom* and the World Summit Outcome Document, Cambodia appears to be open to the need to help states build the necessary capacity to prevent conflicts, the need for disarmament and better regulation of the trade in small arms and light weapons, and the need for reform of the UN. Cambodia is willing to discuss matters of international peace and security, and to engage in dialogue about how ASEAN could further engage with the UN in areas such as peace operations. Furthermore, the ratification of the ASEAN Charter and Rome Statute, reflects Cambodia's eagerness to be active in

promoting the new agenda. However, Cambodia stresses the idea that dialogue should focus on areas of consensus and avoid divisiveness as far as possible. In sum, therefore, although Cambodia has not been an overt supporter of the R2P, it is likely to welcome dialogue to find consensus and the development of measures focusing on the capacity building and rebuilding aspects of the R2P and the role of regional arrangements such as ASEAN.



## 6. Indonesia

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### 6.1 Background

Indonesia is the world's most populous predominantly Muslim state and ASEAN's largest economy. It has enjoyed rapid progress in the past few years. After years of rule by dictatorship, Indonesia has begun to consolidate its democracy and has resolved a number of major violent conflicts, including those in Timor-Leste and Aceh, the former with the help of a UN-mandated international force (INTERFET) and UN Transitional Administration that oversaw Timor-Leste's transition to independence. However, the peace in Aceh remains fragile and Indonesia confronts challenges posed by Islamist terrorist organisations such as *Jemaah Islamiya*. Although it has enjoyed steady economic growth, its GDP per capita stands at approximately \$1,639, which makes it the fifth most prosperous state in ASEAN (behind Brunei, Singapore, Malaysia, and Thailand).

Indonesia has expressed support for the R2P but has also voiced concern about the lack of clarity as to when the principle should apply, leading to disagreements with some, predominantly Western, UN Member States over the most appropriate way to engage with major crises. These disagreements have led some to the erroneous conclusion that Indonesia does not support R2P. More accurately, Indonesia is careful to distinguish between the R2P and the so-called 'right to intervention' and is concerned lest the principle undermine ASEAN's principle of non-interference. Critically, as the 2005 World Summit Outcome Document is careful to insist that action under the rubric of R2P be consistent with Chapters VI, VII and VIII of the Charter, Indonesian concerns about non-intervention and non-interference did not prohibit its endorsement of the World Summit text. Even after the French Foreign Minister Bernard Kouchner called for the R2P to be applied to Myanmar to justify the delivery of humanitarian aid without the consent of the host state after Cyclone Nargis in May 2008, Indonesia did not abandon the principle of R2P. Rather, it argued that the R2P did not apply in this case because the principle refers only to the crimes of genocide, war crimes, ethnic cleansing and crimes against humanity and not to natural disasters.

## Indonesia and the Responsibility to Protect

At the 2005 World Summit, Indonesian President Susilo Bambang Yudhoyono stated that 'we need a consensus on the responsibility to protect people from genocide, ethnic cleansing and crimes against humanity. To this end, force should be used only when all other means have failed'.<sup>40</sup> Indonesia endorsed the idea of the R2P relating to the four crimes (genocide, war crimes, ethnic cleansing and crimes against humanity) and was also prepared to accept that in some circumstances it was legitimate for the UN Security Council to authorise enforcement measures to protect populations from these crimes. However, as President Yudhoyono's statement infers, Indonesia thought it necessary to continue dialogue to provide clarity on the situations in which the application of enforcement measures might be necessary and appropriate in order to avoid the potential misapplication of the principle.

Even prior to the World Summit, Indonesia had expressed a degree of support for the R2P, providing that it was consistent with the UN Charter and existing international law. Reflecting on the UN Secretary-General's proposals set out in *In Larger Freedom*, Indonesia maintained that 'it is our view that, although there are some moral justifications for the Secretary-General's recommendation in that regard [the R2P], we feel that a number of political and legal questions remain unaddressed'.<sup>41</sup> Indonesia went on to argue that its concerns about the R2P were similar to its concerns about 'recommendations concerning the use of force'. That is, Indonesia was concerned about the potential legitimisation of unilateral intervention or interference in the domestic affairs of states and the possibility that proposed criteria to guide decision-making might be abused.<sup>42</sup> The R2P principle would only be acceptable to Indonesia if it was squarely consistent with the UN Charter.

Indonesia reiterated its cautious support for the R2P at the 2006 General Assembly Plenary Session. However, it stressed the need for clarity and caution about the types of situation to which the R2P applied and the circumstances in which enforcement measures might need to be applied. Thus, according to Indonesia:

[T]he concept of the responsibility to protect should be approached very carefully, taking into account the sovereignty and equality of all States. My delegation opposes the threatening of peoples, groups or countries by others, and sees that as a counterproductive measure. While we realise that sanctions may be required in some exceptional circumstances, we believe that extreme care should be exercised in that regard. We also believe that aid should not be tied to conditionalities. Effective partnerships for development are those that are based on mutual understanding, trust, respect and accountability among all parties.<sup>43</sup>

It is important to stress that the Indonesian government does not dispute that sovereigns have a responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, nor that the responsibility shifts to the international community – which may enforce various types of sanctions – in situations where a state is manifestly failing to fulfill its responsibilities. Rather, Indonesia has called for clarification as to when R2P applies, the precise measures that the international community is entitled to adopt and the appropriate authorising bodies for various types of action.

## 6.2 R2P Related Policy Priorities

- The role of regional organisations
- Protection of civilians in armed conflict
- Post conflict reconstruction
- The response of the Security Council to the situations in Sudan, Zimbabwe and Myanmar

### *The Role of Regional Organisations*

As a founding member of ASEAN, Indonesia argues that regional organisations have an important role to play. In particular, Indonesia has taken a leading role in seeking to enhance ASEAN's capacity in the areas of preventive diplomacy, human rights promotion and conflict mediation. In December 2006, Indonesia's Foreign Minister, Hasan Wirajuda gave a keynote speech at the 2<sup>nd</sup> Roundtable Discussion on Human Rights in ASEAN, noting the need for greater efforts to promote human rights within the region. Wirajuda also set out key steps for achieving this ambition:

Only four ASEAN members have national human rights institutions. And even when these national institutions exist, the internal coordination among different human rights stakeholders is often a problem.

Hence, our best option is for a gradual or 'building block' approach to the establishment of a regional human rights mechanism. Thus the Vientiane Action Programme provides for the establishment of an ASEAN Commission on the promotion and protection of the rights of women and children. This is a modest step—but very feasible. And it serves as basis for further initiatives.

The work of this ASEAN Commission could start on the 'soft side' of the cause of human rights: education, training, capacity building. It can gradually move on to more sensitive aspects—like fact-finding on human rights violations.



Over time, as more and more people are aware of and become involved in the promotion of human rights, as national human rights institutions mature and increase in number, as the networks promoting human rights expand and gain in influence, the Commission can enlarge its scope and strengthen its mandate. Or more Commissions, each focusing on specific human rights issues, can be established.

Eventually, the Commission or Commissions could evolve into human rights courts.

Meanwhile, a strong case can also be made for the Malaysian proposal for the establishment of an ASEAN human rights mechanism involving initially only the member countries ready for it—with the others joining in when they are ready.

It is easy to become impatient with this evolutionary approach. But there is more than meets the eye in ASEAN's gradualism in establishing a regional human rights mechanism. It is the dictate of political common sense and wisdom.

We know that we lag behind other regional groupings in addressing human rights concerns. The European Union has its European Court of Human Rights. The African Union has its African Commission on Human and People's Rights. And the Organisation of American States has its Inter-American Commission on Human Rights and its Court of Human Rights.

These mechanisms provide an avenue for the redress of human rights violations that occur in their respective regions. We have no such regional mechanism.

So we have to catch up. Perhaps not today or next month. But in the foreseeable future we have to advance far enough to catch up—for at stake in the establishment of an ASEAN human rights mechanism is our credibility as a regional organisation, our standing in the eyes of the world and our idea of ourselves as a caring and sharing community.

At stake also is our own cohesiveness—for if we do not effectively address human rights concerns in our region, there is bound to be internal friction. With such friction, we drift apart and away from becoming a Community.

When gross violations of human rights take place in a member country, invariably we shy away from discussing it in ASEAN meetings in deference to the principle of non-interference in the internal affairs of states. But in today's world, gross violations of human rights are no longer a purely domestic matter. They are also a matter of international concern.

When human rights violations become a matter of human security as defined in the United Nations today, then it is a concern of all humankind.

Thus if ASEAN members still feel that an incidence of gross violations of human rights is too sensitive an issue for open discussion in a meeting, then the logical alternative is to have it addressed within the neutral premises of a regional commission. To ignore it is no longer an option.

Moreover, in a globalised world where fundamental issues are intertwined, at stake is also our economic competitiveness. There is a real and heavy economic cost to impunity or even just negligence in addressing the issue of human rights. The people will not bear that cost indefinitely.

And so as we gather here in the spirit of a shared commitment to the cause of human rights, the task at hand is clear: we must find the most practical ways to move forward to the establishment of an ASEAN human rights mechanism without causing the jolt that will set back our efforts.<sup>44</sup>

This speech is noteworthy for a number of reasons in relation to Indonesia's commitment to the R2P and its approach to capacity-building. First, Wirajuda highlighted that sovereigns have the primary responsibility to protect their populations and that the international community's principle role is to assist sovereigns in exercising this duty. In the context of ASEAN and human rights, this means developing mechanisms that can effectively utilise cooperation to promote human rights and address grave violations. Second, Indonesia recognises that the international community should play a role in promoting human rights, assisting states and in extreme situations of grave abuse, holding states to account. Third, the statement is noteworthy for its implication that ASEAN's Member States should be made accountable to the regional body and that ASEAN should develop its institutional capacity accordingly, whilst assisting national governments to build their capacity.

In 2007, Indonesia argued that ASEAN has the potential to assist with preventive diplomacy and mediation efforts to address threats to international peace and security in the region with the support of the UN. Thus:

[The] EU has broadened its reach beyond Europe. It collaborated with ASEAN in deploying a monitoring mission in Aceh, Indonesia. This becomes the first model for inter-regional cooperation in the Southeast Asian region. There are three scenarios on how UN – regional organisations may be able to nurture their relationship with regard to conflict resolution.

First, both entities may develop a joint mission deployed in different parts of the globe. This concerted venture requires complementarity of resources.

Secondly, the UN can resume a mission previously under the organisation of a regional organisation. This is what has been under discussion for Somalia. And thirdly, regional organisations take responsibility of the continuation of a UN initiated peace mission. A good example of this scenario is the take over of the UN IPTF by the EU Police Mission in Bosnia and Herzegovina.

Another scenario could be a subcontracting, by which the UN tasks a regional organisation to do all or part of its work. This option is taken particularly when using regional organisation to address threats to peace is considered more effective than by direct involvement of the UN.

Cooperation between UN and regional organisations will be viable when it develops on the basis of equal partnership. Nevertheless, my delegation believes that regional arrangements should not, in any way, substitute the role of the UN in the maintenance of peace and security.

It is the primary responsibility of the UN, as stipulated in its Charter, Chapter VII, to maintain international peace and security. The UN must remain the centre for harmonising the actions of nations in the attainment of peace and security as rightly mentioned by the President of the UN Security Council in her opening remarks.<sup>45</sup>

In addition, Indonesia has argued that the UN and regional organisations should cooperate more deeply on the protection of civilians in armed conflict. Thus, it maintained in 2008 that 'the United Nations is surely not in a position to tackle all of the issues related to the protection of civilians. Regional organisations have an important role to play in the protection of civilians. It is important to remember that the best preventative medicine for war is fruitful negotiation and dialogue, which is often achieved by inviting the participation of regionally relevant players'.<sup>46</sup>

Thus, Indonesia argues that regional organisations should play a greater role in assisting the UN to maintain international peace and security. In particular, Indonesia argues that ASEAN should play a leading role in the promotion of human rights and work in partnership with the UN to strengthen the regional capacity to resolve conflicts, conduct joint peacekeeping and policing operations, develop the capacity to enable the UN to 'subcontract' its activities to regional organisations, and strengthen the protection of civilians in armed conflict – though it has not developed specific proposals in relation to these initiatives.

## ***Protection of Civilians***

As an elected member of the UN Security Council (2007-8), Indonesia has been an active participant in the Council's on-going work on the protection of civilians in armed conflict. Indonesia recognises that civilians are often the primary victims of contemporary armed conflict and that displacement and attendant problems are major issues that deserve international attention. Without making specific proposals, Indonesia commended the work of the UNHCR and other humanitarian agencies and criticised groups that ambush and attack humanitarian aid workers. Significantly, in light of Myanmar's reticence to admit humanitarian aid in the wake of Cyclone Nargis, Indonesia also criticised those who restrict the delivery of humanitarian aid and place displaced populations 'out of reach' of international assistance.<sup>47</sup>

In addition to its call for more cooperation between the UN and regional organisations on this matter, Indonesia has identified a number of measures aimed at strengthening the protection of civilians. First, Indonesia has stressed the need for the establishment of alternative legal measures to hold non-state combatants accountable for violations of human rights and humanitarian law. In this regard, Indonesia welcomed the role of the International Committee of the Red Cross (ICRC) in promoting awareness of the relevant legal instruments among non-state combatants and called upon the UN to become involved in this endeavour.<sup>48</sup>

Second, Indonesia has argued that all parties to a conflict should make arrangements to meet the protection and assistance requirements of children and women and 'ensure the unhindered delivery of basic necessary services'.<sup>49</sup>

Third, Indonesia has noted the threat to civilians posed by landmines and other munitions. It has welcomed the UN's mine action activities and emphasises the need for collaboration with national governments and regional organisations. In particular, it has emphasised the importance of demining, victim assistance, mine-risk education and the destruction of stockpiled landmines as a part of mine-action.<sup>50</sup>

Fourth, Indonesia has suggested that the Security Council has a larger role to play in protecting civilians during armed conflict, arguing that 'the Council has an imperative duty to stand for those who are defenseless and in need of protection in times of conflict...It is our shared responsibility to alleviate the suffering of victims wherever and whenever it occurs'.<sup>51</sup>

Finally, Indonesia suggests that more support should be sought from the often under-utilised efforts of private aid organisations and philanthropic organisations. Such bodies could be invited to provide funds, expertise and innovative solutions to the problems associated with the protection of civilians.<sup>52</sup>

### ***Post-Conflict Reconstruction***

Because a high proportion of peace agreements fail in their first five years, it is reasonable to argue that post-conflict reconstruction plays an important role in the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity. One of the other major achievements of the 2005 World Summit, therefore, was the establishment of the UN Peacebuilding Commission. During his address to the World Summit, President Yudhoyono clearly indicated that he believed that the R2P and the Peacebuilding Commission were connected.<sup>53</sup> Since 2005, Indonesia has remained a key supporter of the Peacebuilding Commission and its efforts in assisting states that have recently emerged from conflict to restore the rule of law, reform security sectors, buttress human rights mechanisms and ensure a fair electoral process.

### ***The Security Council's Response to Situations in Myanmar, Sudan and Zimbabwe***

As demonstrated thus far, since the 2005 World Summit, Indonesia has generally endorsed the R2P principle and the idea that in certain extreme situations, the international community has a responsibility to take measures through the UN Charter to ensure the protection of civilian populations. However, the way Indonesia approached the application of the R2P during its time as a non-permanent member of the Security Council has differed somewhat from both the approach taken by the West and other, more conservative, ASEAN members. As such, Indonesia's position on the situations in Myanmar, Sudan and Zimbabwe helps identify ways in which the R2P might be operationalised in a manner that is consistent with the principle of non-interference. If the R2P is to be used to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, it is important to better understand the position of governments like Indonesia in order to increase the likelihood of the Security Council acting in a timely and decisive manner with the support of all of its members.

When the US presented a draft resolution censuring and imposing economic sanctions on Myanmar in 2007, Indonesia did not join China and Viet Nam in voting against the resolution. Instead, it chose to abstain, indicating that whilst it did not agree with the position adopted by the draft resolution it was also deeply concerned about the situation in Myanmar. Indonesia argued that although it was appropriate for the international community to express concern and encourage the government of Myanmar to exercise restraint, words of condemnation would prove counter-productive and economic sanctions were inappropriate. Moreover, Indonesia maintained that international engagement should be spearheaded by ASEAN in cooperation with the UN. Thus, explaining Indonesia's decision to abstain, its permanent representative called upon the UN to work with regional organisations to find a solution in



cooperation with the Myanmar government.<sup>54</sup> Although a less robust stance than the US and its supporters had wanted, Indonesia's position reflected a changing conception of the principle of non-interference and a willingness to concede that the human rights situation in Myanmar was a matter of legitimate concern for the international community. Moreover, whilst expressing disquiet at the approach taken by the US, in abstaining Indonesia did not allow this disquiet to override its concern about human rights in Myanmar.

In the aftermath of Cyclone Nargis, which struck Myanmar in May 2008, the French Foreign Minister Bernard Kouchner famously called on the Security Council to invoke the R2P to justify the delivery of humanitarian assistance by force if necessary in the face of the government's refusal to accept much-needed aid. Unsurprisingly, given its view that the R2P should be carefully and cautiously applied, Indonesia flatly rejected Kouchner's call, arguing that invoking the R2P would both complicate efforts to secure humanitarian access. As such, Indonesia's permanent representative to the UN told reporters that 'the moment an issue is brought to the Council under the flag of the "responsibility to protect", which is a very loaded term at the UN, the whole humanitarian effort will be politicised'.<sup>55</sup> He added that there were other, more appropriate, mechanisms within the UN system that were better suited to the situation at hand, and that invoking the R2P principle 'would jeopardise and undermine aid work, not only for Myanmar, but also for future humanitarian situations'. In line with other ASEAN governments, Indonesia maintained quite simply that the R2P was not intended to apply to natural disasters, or to legitimise the forcible distribution of humanitarian assistance in such circumstances. It argued that there were other tools available to secure humanitarian access – a view shared by the UN Secretary-General's Special Adviser and the Asia-Pacific Centre for the Responsibility to Protect, among others.<sup>56</sup>

The idea that Indonesia's position on Cyclone Nargis reflected more its understanding of the scope and meaning of the R2P rather than a backsliding from the commitment made in 2005 can be seen by considering the positions it took on Darfur and Zimbabwe shortly after the Nargis debate. Despite concerns that events after Cyclone Nargis could erode support for the R2P within ASEAN, Indonesia used the language of the R2P, specifically referring to the idea of sovereignty as responsibility, to support its insistence that the government of Sudan cooperate fully with the prosecutor of the International Criminal Court. Thus, Indonesia argued that:

[F]ailure to achieve peace produces not only prolonged suffering but also the continuation of those crimes. Indonesia strongly condemns all gross violations of human rights and international humanitarian law. We condemn those who commit war crimes and crimes against humanity. Impunity must not be tolerated, and perpetrators of those crimes must be brought to justice without unnecessary delay...My delegation strongly believes that Sudan's sovereignty must always be

respected, but that sovereignty also comes with rights and responsibilities. In this regard, we underline the obligations of the Government of Sudan to comply with the provisions of resolution 1593 (2005) and actions of the [International Criminal Court] Prosecutor shall neither nullify the principle of complementarity nor absolve Sudan's national court of its responsibility regarding the perpetrators. We are confident that Sudan's national court will take up that responsibility. Cooperation with the ICC will be essential if Sudan is expected to investigate and prosecute the cases selected by the prosecutors. Indonesia strongly believes that the issue of cooperation by the Government of Sudan with the ICC should be addressed in a comprehensive manner, in the context of achieving durable peace and security'.<sup>57</sup>

Indonesia's position on this matter is important because it demonstrates that it is prepared to act on the idea that underpins the R2P - that sovereign states have responsibilities towards populations within their own territory – and that Indonesia accepts that the international community should take steps to protect civilians and end impunity in cases where a state is manifestly failing to do so.

Just as significantly, in July 2008 Indonesia departed from the position taken by Viet Nam and China on the situation in Zimbabwe and abstained on a draft resolution demanding the imposition of targeted sanctions. Indonesia chose not to support the resolution primarily because it did not enjoy the support of the relevant regional and sub-regional organisations (AU and SADC) or of the South African mediators. However, Indonesia did not believe that these concerns outweighed the Security Council's legitimate concerns about the situation in Zimbabwe and chose to abstain rather than vote against the draft resolution. In explaining its position, Indonesia argued that, 'the leaders of the country, in particular, are called upon to recognise the burden of responsibility on their shoulders and to leave no stone unturned in the quest to extricate Zimbabwe from its present predicament. The people of Zimbabwe deserve international support in that endeavour'.<sup>58</sup> Indonesia went on to emphasise that whilst it was legitimate for the Security Council to be engaged in the crisis, it was imperative that the Council work in cooperation with the relevant regional and sub-regional organisations: '[T]he Security Council, in synergy with such regional efforts, must also support the people of Zimbabwe in tackling the challenges before them. The promotion of peace, stability, reconciliation and democracy should guide our endeavours. In that, we cannot emphasise enough the importance of the Council working together with SADC and the African Union'.<sup>59</sup>

In its response to all three situations, therefore, Indonesia has maintained that sovereignty implies responsibilities and that it is appropriate for the international community to become engaged in order to either assist states to fulfil their responsibilities or protect populations in cases where they are manifestly failing. There are, however, three important lessons about the use of the R2P that can be learned from Indonesia's position on these three situations.

First, it is important that the R2P be understood as only applying to the four crimes (genocide, war crimes, ethnic cleansing and crimes against humanity) identified by the World Summit Outcome Document and not other sources of widespread human insecurity such as natural disasters. Second, although international engagement is sometimes appropriate, such engagement should be predicated on cooperation with the host authorities as far as possible. Third, international engagement should proceed with due regard for the attitudes and preferences of relevant regional and sub-regional organisations and wherever possible the UN should focus its attention on supporting regional efforts.

### 6.3 Summary

From this brief analysis it is clear that Indonesia cautiously supports the R2P principle as agreed at the 2005 World Summit and is also prepared to support efforts to translate the principle from words to deeds. Indonesia insists that the principle should be narrowly applied to only the four crimes specifically referred to in the Outcome Document and cautious about the measures that the international community can use to respond to situations involving the actual or imminently apprehended commission of those four crimes. As such, Indonesia opposed the application of the R2P to the situation in Myanmar in the wake of Cyclone Nargis in May 2008, whilst supporting regional efforts to secure humanitarian access, calling on the government of Sudan to cooperate with the ICC and refusing to oppose the application of targeted sanctions to Zimbabwe. In addition to this, Indonesia has also put forward and indicated its support for a range of initiatives that would make a significant contribution to translating the R2P from words to deeds, including: the establishment of an ASEAN human rights body; the strengthening of regional capacity to conduct peace operations; the subcontracting of UN activities to regional organisations; the strengthening of the protection of civilians in armed conflict by creating a mechanism to hold non-state belligerents accountable, insisting that belligerents make plans to protect and assist women and children, and doing more to protect civilians from landmines; and the development of the Peacebuilding Commission. It is important to end by noting that Indonesia emphasises the role of regional organisations in leading international responses to crises and maintains that the UN should strengthen its partnership to and assistance with regional organisations.



## 7. Lao People's Democratic Republic (Laos)

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### 7.1 Background

Although Laos has not specifically referred to the R2P in its public statements, it accepted the 2005 World Summit Outcome Document and enthusiastically welcomed the appointment of Ban Ki-moon as Secretary-General of the UN. Ban was the only candidate for that position to emphasise the R2P. Laotian priorities focus on poverty alleviation to address what it considers to be the greatest threat to a state's capacity to govern. Beyond this, Laos has indicated its support for collaborative efforts at conflict prevention through economic development, arms control and disarmament, and reform of the UN. It is important to note that Laos confronts an on-going problem in relation to its Hmong minority which dates back to a protracted civil war in the 1970s which involved several external powers including the US. Laos has the third lowest GDP per capita within ASEAN at \$612, slightly ahead of Cambodia and Myanmar. Laos has offered general support for reform of the UN aimed at making the Security Council more legitimate, representative, effective and democratic but it prefers to focus on regional initiatives spearheaded by ASEAN.<sup>60</sup>

### 7.2 Laos and the Responsibility to Protect

As mentioned above, Laos has not specifically referred to the R2P principle in its public statements since 2005. However, it did support the World Summit Outcome Document and the appointment of Ban Ki-moon – a noted supporter of the R2P – as Secretary-General of the UN. Although we cannot read too much into this support, it is worth stressing that Laos specifically voiced its support for Ban's 'strong commitment to the reform process in pursuit of a strong, fully mobile and multifunctional United Nations', a process which of course include the Secretary-General's well known support for the R2P.<sup>61</sup>

It should be noted that in the same year, Amnesty International released a report arguing that Japan should use its influence over the Laos government (as its largest foreign donor) to encourage it to permit humanitarian access to the Hmong region to allow agencies to 'provide humanitarian aid and monitor human rights abuses' in the area.<sup>62</sup> Natalie Hill, deputy Asia Pacific Director at Amnesty International invoked R2P in relation to the Hmong, telling

journalists that: ‘The Hmong groups living in the jungle are destitute. *The Lao authorities have a responsibility to protect them, not least because of the children involved.* Instead, their regular attacks mean the groups live in perpetual danger of their lives’. She continued, ‘the Lao authorities must end all attacks against the Hmong people living in the jungle and allow access to international organisations that can provide humanitarian aid and monitor human rights abuses’.<sup>63</sup> The Laotian government rejected Amnesty’s claim that it was attacking Hmong villages and civilians, arguing that the allegations were fabricated.

Interestingly, this episode did not prompt Laos to reject or criticise the R2P principle itself though Laos did feel the need to reassert the importance of sovereignty and the principle of non-interference, noting that the threat of use of force and other violations of sovereignty hindered the cause of international cooperation on peace and security.<sup>64</sup>

### 7.3 R2P Related Policy Priorities

- Economic development, specifically through the MDGs
- Regulating the trade in small arms and light weapons

In line with its relatively passive stance on the R2P principle itself, Laos has not identified a broad range of policy priorities at the UN. Two themes have been evident, however: the priority of economic development and the control of small arms and light weapons as a form of conflict prevention.

#### ***Economic Development***

Given its GDP per capita, it is not surprising that Laos emphasises the need for more assistance on economic development. In April 2005, Laos argued that the UN should direct more attention and resources towards providing assistance to help the world’s least developed countries meet the MDGs.<sup>65</sup> In September 2005, the Prime Minister emphasised the importance of meeting the MDGs and requested that donor states develop coherent and uniform policies on loan repayment.<sup>66</sup> Three years later, Laos reiterated this argument arguing that it was ‘the shared responsibility of developed and developing countries to implement their joint commitments with more resources and more action, so that the Millennium Development Goals can be achieved successfully by 2015’.<sup>67</sup>

#### ***Regulating the Trade in Small Arms and Light Weapons***

No doubt the continued resistance of some Hmong hill tribes to the Lao government contributes to the government’s keen advocacy of the regulation of the trade in small arms and light weapons. Nonetheless, the Lao government’s support for small arms control as an



important element of conflict prevention is shared by other ASEAN Member States and is therefore worth exploring. Laos supports the Programme of Action on Small Arms and measures to strengthen its implementation. In 2006, Laos noted its disappointment at the weak state of the Programme, arguing that 'in light of negative developments, we cannot but share concern of the world community about the failure of the recent Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. However, the Lao People's Democratic Republic believes that the Programme of Action is a living document, which remains a framework for cooperation that empowers States to continue to work for its full and effective implementation'.<sup>68</sup>

## 7.4 Summary

Laos has not specifically referred to the R2P to offer either support or dissent.

The closest Laos came to expressing concern with the possible encroachment of R2P into the domestic affairs of sovereigns was in 2007, the same year that Amnesty International issued a report on Laos' treatment of Hmong hill tribes, referred to the government's responsibility to protect the Hmong, and called upon Japan to use its development assistance as leverage to put pressure on the government. These issues notwithstanding, Laos supported the 2005 World Summit Outcome Document and has not openly voiced concerns about the principle, despite the Hmong case. Laos understandably emphasises the priority of economic development but has also demonstrated an interest in strengthening regulation of the trade in small arms and light weapons.



## 8. Malaysia

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### 8.1 Background

Malaysia is a quintessential Southeast Asian ‘tiger’. It is the region’s third wealthiest country, with a per capita income of \$5,890 and has enjoyed steady economic growth over the past two decades, only interrupted by the 1997 Asian Financial Crisis. Malaysia is one of the region’s more progressive countries and has advocated the reform of ASEAN, including the establishment of a regional human rights mechanism. In 1997, Malaysia’s Deputy Prime Minister Anwar Ibrahim put forth the notion of ‘constructive engagement’ through which ASEAN members would be encouraged to invite regional assistance to promote human security through education, human rights promotion and economic initiatives. On the one hand, its former Prime Minister Mahatir Mohammed was a staunch advocate of the ‘Asian values’ concept which held that certain human right values were Western in orientation and therefore inappropriate for an Asian context. Moreover, as an active member of the Non-Aligned Movement, Malaysia has defended a conservative interpretation of the principle of non-interference. On the other hand, however, in 1999 Malaysia participated in the Australian-led INTERFET intervention in Indonesia and voted against a Russian sponsored draft Security Council resolution condemning NATO for its armed intervention in Kosovo.

Malaysia has adopted a cautious position on the R2P – it has welcomed the principle but expressed disquiet about the potential for unwarranted interference in the domestic affairs of states and called for more deliberation in the General Assembly and the establishment of safeguards to ensure that the R2P principle does not violate the non-interference principle. Moreover, it is important to understand that Malaysia views issues connected to sovereignty as responsibility, such as human rights promotion, through the prism of non-interference. For Malaysia, the non-interference principle means that matters should be dealt with in a cooperative fashion through patient dialogue. What it refers to as ‘constructive intervention’ characterised by ‘loud criticism, adversarial posturing and grandstanding’ should be avoided because it tends to do more harm than good. In place of interference, Malaysia advocates an approach to peace and security matters based on active dialogue and confidence-building.<sup>69</sup> According to Malaysia, it is adherence to the principle of non-interference and a commitment to dialogue and cooperation that underpins ASEAN’s success in maintaining regional peace and security.

## 8.2 Malaysia and the Responsibility to Protect

Prior to the 2005 World Summit, Malaysia's position on the R2P was quite similar to Indonesia's. As early as 2004, Malaysia argued in a UN Security Council meeting on the Protection of Civilians that:

[P]erpetrators of these criminal and cruel acts [targeting civilians, particularly women and children] must be brought to justice to arrest the culture of impunity that is so pervasion in so many areas of armed conflict around the world...The affected civilians should not only be assured of their physical security in situations of armed conflict but also be provided with legal protection under international law...The international community must collectively demonstrate its resolve to punish those responsible.<sup>70</sup>

Malaysia 'welcomed' the proposal to discuss R2P at the 60<sup>th</sup> General Assembly in 2005 but expressed some caution about its application.<sup>71</sup> Thus, at the World Summit itself, Prime Minister Badawi further clarified Malaysia's position on R2P, noting:

I am aware of the growing consensus towards accepting that the existing provisions of the United Nations Charter regarding the use of force are sufficient to address the full range of security threats; that the only issue remaining is how to ensure that the use of force is applied only as instrument of last resort. Undoubtedly, this is a priority issue especially as it is connected to the question of responsibility to protect civilian populations from crimes against humanity. However, any intervention must give due recognition to Charter principles pertaining to sovereignty, territorial integrity and non-interference. While the Security Council would appropriately be the body to take decisions on these matters, it is Malaysia's view that provisions must also be made for the General Assembly to have an oversight role in this crucial matter of the use of force to deal with threats to international security.<sup>72</sup>

Significantly, Badawi did not object to the R2P itself but expressed concern about the potential for it to sanction the use of force. These concerns were reiterated later in the year, when Malaysia argued in the Security Council that whilst 'humanitarian intervention' had no basis in international law, the Security Council had a right to take action in situations where clear violations of international law, international humanitarian law and human rights threatened international peace and security.<sup>73</sup> Interestingly, Malaysia maintained that whilst

the Security Council has a role to play in humanitarian emergencies, this should be limited to cases where grave violations arise out of conflicts that threaten international peace and security. This view was reiterated in 2006 when Foreign Minister Datuk Seri Syed Hamid Albar maintained that Malaysia recognised the need to ‘intercede on humanitarian grounds in international conflicts’ – simultaneously acknowledging the appropriateness of international engagement in humanitarian crises and the idea that intercession is only appropriate in response to ‘international’ conflicts.<sup>74</sup> Moreover, Syed Hamid went on to note that there remained ‘a whole range of questions that involve legal, moral, operational and political – constituting the debate around humanitarian intervention and responsibility to protect’, warning that ‘the preoccupation with human security should not lead to human insecurity’.<sup>75</sup>

### 8.3 R2P Related Policy Priorities

- Reform of the UN Security Council and the role of the General Assembly
- Human rights
- Peace operations
- Strengthening humanitarian assistance

#### *Reform of the UN Security Council and the role of the General Assembly*

Malaysia has been an active participant in the open ended debate about the reform of the UN Security Council. Although Malaysia shares the Non-Aligned Movement’s view that enlarging its membership would improve the Council’s international legitimacy, it argues that an expanded membership would likely make the Council less effective.<sup>76</sup> As such, Malaysia has suggested that debate about Security Council reform should focus on its working methods rather than its membership and that the two questions (working methods and membership) should be considered separately to ensure that divisions about enlarging the Council’s membership do not derail progress on reforming the Council’s working methods.<sup>77</sup> In particular, Malaysia maintains that the veto powers enjoyed by the Council’s permanent members should be regulated and the relationship between the Council and General Assembly recalibrated.

According to Malaysia, the permanent members’ veto privilege is problematic because it does not conform with the principle of sovereign equality and is open to abuse by permanent members who use it to overrule the wishes of the majority.<sup>78</sup> As such, Malaysia argues that the use of the veto should be regulated. Although it sympathises with the proposals put forth by the ‘S5’ group of states on the veto (see the section on Singapore), it believes that a stronger regulatory framework is necessary to limit the discretionary use of the veto.<sup>79</sup> Therefore, Malaysia has proposed a modified veto whereby two permanent and three other members of the Council would be needed to block any Council resolution.<sup>80</sup>

In relation to the Council's working methods, Malaysia argues that it is important that the Council fulfill its obligations to the larger membership by limiting itself to matters that fall within its mandate for international peace and security, reporting regularly and frankly to the broader membership, and encouraging wider consultation. Malaysia argues that the requirement for the Council to issue annual and, when necessary, special reports to the General Assembly for its consideration, set out in Articles 15 and 24 of the UN Charter, should be taken more seriously. The Assembly, Malaysia maintains, should have the opportunity to assess and judge the performance of the Council and the Council should be given the opportunity to pay more attention to the concerns, observations and comments of the wider membership.<sup>81</sup> Moreover, the Council should not trespass on thematic areas that are outside its jurisdiction, such as human rights, and should limit its activism to matters that fall squarely within its mandate to maintain international peace and security. In line with this concern that the UN's activities reflect the concerns of the whole membership and not a particular section of the membership, Malaysia has also expressed concern at the increase of non-core funding (discretionary funding provided by Member States for particular activities) and the stagnation of core contributions to the UN system. By increasing the extent to which funding reflects the interests of particular donors, this switch to non-core funding risks damaging the neutral and multilateral character of the UN's operational activities.<sup>82</sup>

### ***Human rights***

In line with its position on non-interference, Malaysia endorses the promotion of universal human rights but argues that human rights should be promoted in cooperation with national authorities and (in line with Mahatir's defence of 'Asian values') with due respect for cultural differences. Although this imposes important limits on the extent of legitimate international human rights promotion, it does not mean that the international community has no role to play in promoting human rights. Malaysia's view is that the primary responsibility for human rights rests with the national authorities and that national human rights commissions (such as Malaysia's) can play an important role in promoting human rights. The international community can assist in two principal ways. First, Malaysia remains uneasy about the adoption of country-specific mandates and resolutions by the UN Human Rights Council, arguing that this approach runs counter to the spirit of human rights dialogue and the principle of non-interference. However, it contends that the Universal Periodic Review mechanism offers a useful alternative by requiring all states to submit to the review process, making it more equitable. Second, Malaysia recognises the utility of technical assistance in the field of human rights but argues that the focus of such assistance should be on dialogue, engagement and cooperation and that assistance should fully respect the consent of the state concerned.<sup>83</sup>

### ***Peace operations***

Malaysia is an active supporter of UN peace operations, an activity which it sees as 'central' to the mission of the UN. This commitment was demonstrated by the establishment of the Malaysian Peacekeeping Training Centre, Southeast Asia's first training institute committee exclusively to the training of peacekeepers. Malaysia welcomed the establishment and strengthening of the 'Best Practices Unit' within the Department for Peacekeeping Operations and participated in the dialogue surrounding the formulation of 'Capstone Doctrine' for UN peace operations.<sup>84</sup> In relation to that dialogue, Malaysia supported the continued centrality of the principles of consent, impartiality and minimum use of force in peace operations and expressed caution about the move towards a more 'robust' or forceful posture for peace operations. Malaysia argues that the UN could play a useful role by supporting the efforts of Member States and regional organisations to improve their capacity to provide peacekeepers through the provision of advisory, logistic and financial support. More specifically, the UN could provide training to ensure that peacekeepers have the skills necessary to fulfill a variety of roles in multidimensional peace operations and could establish a framework for cooperation with regional organisations.<sup>85</sup>

### ***Strengthening humanitarian assistance***

Malaysia supports measures to strengthen the world's capacity to respond to emergencies and natural disasters. In particular, it has called for renewed efforts to develop an early warning system for 'natural and human-induced' disasters. Such a system, Malaysia argues, should be 'multimodal' and should take account of the internationally agreed framework for disaster reduction and the operationalisation of regional arrangements for standby disaster relief capacities. Such capacities should include the areas of emergency relief, rehabilitation and reconstruction, and prevention and mitigation and should be operationalised in the aftermath of a disaster. Moreover, these measures designed to strengthen the capacity for international response should be organised in tandem with measures designed to strengthen the capacity of disaster-prone countries to handle natural and man-made emergencies.<sup>86</sup>

It is worth noting that although Malaysia is critical of the increase of non-core funding and relative decline of core funding to the UN, it supported the establishment of the Central Emergency Response Fund (CERF) and maintains that the Fund marks a significant step forward because it increases the predictability of funding in humanitarian crises. To further develop the progress made by the Fund, Malaysia argues that the UN should strengthen the policy guidance that it provides on humanitarian emergencies in order to improve mechanisms for coordination and cooperation in response to natural and human-induced disasters.<sup>87</sup>



## 8.4 Summary

Malaysia has endorsed the R2P principle but has repeatedly expressed serious concerns about its potential to become an intervener's charter. This potential is a particular concern for Malaysia because of the high value that it places on the principle of non-interference, which it believes is central to harmonious relations between states. These concerns are best addressed by limiting application of the principle to the four crimes identified by the 2005 World Summit and ensuring that the principle's operationalisation remains consistent with the UN Charter, two points that Malaysia has repeatedly insisted on.

These concerns are also evident in Malaysia's engagement with a range of other policy issues. Malaysia believes that international engagement with humanitarian crises should, as far as possible, be based on the consent and cooperation of relevant states and should always be consistent with the UN Charter. It also maintains that it is important to maintain the character of the UN as an inclusive and representative organisation, by limiting the expansion of the Security Council's agenda into areas covered by other bodies and making the Council more accountable to the wider membership. This is important advice which reaffirms the view that the most appropriate venue for further deliberation on the R2P is the General Assembly, in order to ensure inclusivity and therefore legitimacy. Within these limits, however, Malaysia has identified numerous ways of strengthening the international community's capacity to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. These include, regulating the veto powers of the Security Council's permanent members, emphasising the Universal Periodic Review mechanism and technical assistance for human rights promotion, strengthening the capacity to conduct peace operations, developing a global early warning system for natural and human-made disasters, and strengthening the policy framework for humanitarian response.



## 9. The Philippines

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### 9.1 Background

Following the non-violent uprisings that unseated the notoriously corrupt and violent Marcos dictatorship in 1986 (EDSA I) and the short-lived Estrada administration that was also tainted by corruption (EDSA II), the Philippines is an emerging democracy. Its GDP per capita of \$1,639 means that it sits squarely in the middle of ASEAN in terms of national wealth, below Brunei, Singapore, Malaysia, Thailand and only slightly lower than Indonesia but above Viet Nam, Laos, Cambodia and Myanmar. As an archipelago, the Philippines has suffered from similar problems to Indonesia in terms of violent secessionism, problems compounded by the emergence of Islamist terrorist organisations such as *Abu Sayyaf*. The Philippines has confronted a protracted insurgency on the island on Mindanao and although the Ramos administration (1992-1998) concluded a peace agreement with the main rebel group, the MNLF, new groups such as the Islamist MILF, the Communist New People's Army and *Abu Sayyaf* have made peace elusive. A new peace initiative collapsed in mid-2008.

The Philippines endorsed the R2P in the World Summit Outcome Document and referred approvingly to the principle of sovereignty as responsibility during its time as a non-permanent member of the UN Security Council in 2004-5. Towards the end of 2005, the Philippines privately expressed caution about the Security Council taking up the R2P before it had been further deliberated on by the General Assembly and since it stepped down from the Council has been more circumspect in its support for sovereignty as responsibility. However, the Philippines has consistently expressed support for initiatives related to the operationalisation of the R2P. These include support for capacity building, interfaith dialogue as a mechanism of conflict prevention, establishment of an ASEAN human rights mechanism, and the creation of a standing police capacity and a rapidly deployable reserve capacity for peace operations as endorsed at the 2005 World Summit. As with Indonesia, the Philippines emphasises the role of regional organisations such as ASEAN and the need for deeper cooperation between regional organisations and the UN.

## 9.2 The Philippines and the Responsibility to Protect

Both prior to and after the 2005 World Summit, the Philippines indicated its support for the R2P. At a 2004 Security Council on the crises in Darfur, the Philippines voiced strong support for the principle of sovereignty as responsibility and the idea that the Security Council has a responsibility to protect in situations where the national authorities are manifestly failing to do so. In perhaps one of the ASEAN region's clearest endorsements of the R2P, it insisted that:

Sovereignty also entails the responsibility of a State to protect its people. If it is unable or unwilling to do so, the international community has the responsibility to help that State achieve such capacity and such will and, in extreme necessity, to assume such responsibility itself.<sup>88</sup>

A few months later, the Philippines reiterated its position, insisting that, 'a State has the responsibility to protect its citizens, and, if it is unable or unwilling to do so, the international community - the Security Council - has the moral and legal authority to enable that State to assume that responsibility'.<sup>89</sup>

The Philippines' support for the basic tenets of the R2P was reaffirmed in other gatherings throughout 2004 and 2005. Thus, the Secretary of Foreign Affairs, Alberto Romulo noted that 'people antedated the evolution of statehood. Statehood evolved to cater to their needs - to protect their lives, to generate livelihood and to allow them to cherish their fundamental faith in their human dignity. In placing people at the centre of the United Nations, let me highlight the need to protect their lives, the importance of ensuring their livelihood as well as promoting their dignity'.<sup>90</sup> The following year, Romulo reiterated the Philippines' support for the R2P at a South-South Cooperation meeting in the United Nations. He maintained that, '[t]he sovereign equality of States, the peaceful settlement of disputes and the principle of non-interference may have to be reconciled with the principle of the responsibility to protect'.<sup>91</sup>

Since it stepped down from the Security Council in late 2005, the Philippines has been somewhat less forthcoming in its overt support for the R2P though it has restated its view that sovereignty entails responsibilities. Thus, in a 2006 meeting on human rights, it noted that 'the Government of the Philippines is fully committed to the universal promotion and protection of human rights and fundamental freedoms. The Constitution of the Philippines makes it paramount policy to value the dignity of every human person and to guarantee full respect for human rights. My government also believes that accession to and full implementation of human rights instruments is essential if we are to have universal promotion and protection of human rights'.<sup>92</sup> In similar vein, in 2007 President Gloria Macapagal Arroyo congratulated Ban Ki-moon on his appointment as UN Secretary-General and insisted that, '[w]e embrace his vow to focus on strengthening the three pillars of the United Nations (development, security

and human rights)'. President Arroyo further argued that being the 'most democratic country in our region. We have no tolerance for human rights violations at home or abroad. We support the effort to revitalise and refocus the work of the UN in human rights. It is for this reason that the Philippines sought and won a seat in the Human Rights Council' [the Philippines was elected to serve on the Council until 2010].

The Philippines' commitment to human rights was not mere hollow rhetoric. It is worth noting that the Philippines government and its parliamentarians have consistently pushed for ASEAN to do more to address the human rights situation in Myanmar. As President Arroyo told the General Assembly:

The attention of the international community has been drawn, with great reason and justification, to the current situation in Myanmar. Ladies and gentlemen: This is the time for Myanmar to return to the path of democracy and to release Daw Aung San Suu Kyi – now – and to involve all the parties including the National League for Democracy in the democratisation and the constitutional process. In conclusion, Mr. President, the number of global-size issues we will face in the 21st century will require globe-size cooperation. We must build bridges of peace and prosperity. The place to start is building a stronger United Nations.<sup>93</sup>

The Philippines was also one of the last member states to ratify the ASEAN Charter because of its concerns about the weakness of the proposed human rights mechanism and because of the lack of progress on human rights in Myanmar.

In summary, therefore, the Philippines has been one of the region's most overt supporters of the R2P and has supported efforts to strengthen the promotion of human rights in ASEAN. Although it has backed away from its earlier overt support for the R2P, it has continued to endorse the idea that sovereignty entails responsibility.

### 9.3 R2P Related Policy Priorities

- Prevention of armed conflict
- Capacity building and rebuilding
- Strengthening peace operations
- Regulating the trade in small arms and light weapons, and disarmament
- Cooperation between the UN and ASEAN

### ***Prevention of Armed Conflict***

According to the Philippines, the overarching priority should be the prevention of genocide and mass atrocities. Reflecting on the UN's history in this area, the Philippines argued that 'the experience in Rwanda continues to remind us that the so-called "preventable genocide" should not be repeated'. In general, the Philippines maintains that the key to prevention lies in measures designed to address the deep-seated root causes of conflict, especially economic underdevelopment and inequality. As it argued in 2004, 'the best possible UN response in addressing complex crises is, and has always the need to root out the major causes of conflict. The big challenge for the UN is how to prevent the outbreak of conflict or the recurrence of such conflict. This is only possible if the UN can address the root causes of conflicts, and channel scarce resources to development'.<sup>94</sup>

It has also offered three specific proposals – drawn from the UN Secretary-General's recommendations – for improving the UN's effectiveness in this area. First, sustainable and equitable development should be seen as important parts of conflict prevention and should be prioritised as such. Second, an effective preventive strategy required a comprehensive approach that encompassed both short and long-term measures in the areas of economic development, preventive diplomacy, humanitarian assistance, human rights promotion and institution-building. Such measures should be carried out through a partnership between national authorities, regional organisations and global institutions such as the UN. Third, preventive action should address the 'deep-rooted socio-economic, cultural, environmental, institutional and other structural causes that often underlie the immediate political symptoms of conflicts'.<sup>95</sup>

### ***Capacity Building and Rebuilding***

The Philippines emphasises the role that international and regional organisations can play in assisting states and societies to build the capacity needed to prevent and manage potentially violent disputes and rebuild afterwards. In particular, the Philippines supported the establishment of the Peacebuilding Commission and believes that it makes an importance contribution in providing assistance for capacity building and rebuilding. In recent years the Philippines has focused on two areas of capacity building: the use of interfaith dialogue as part of a dispute resolution mechanism and promotion of the rule of law through assistance to help states comply with their international treaty obligations.

The Philippine government's interest in interfaith dialogue stems from its long-standing effort to negotiate a peaceful resolution to the conflict with Islamist groups in Mindanao and on-going violence between government forces and Islamist terrorist organisations such as *Abu Sayyaf*. Uniquely among countries with Muslim minorities that have spawned secessionist

and terrorist organisations, the Philippines applied for, and received, observer status in the Organisation of Islamic Conferences (OIC) and has sought the OIC's assistance with peacebuilding in Mindanao. Interfaith dialogue is an important part of that process.

As such, from the Philippines' perspective, interfaith dialogue is closely connected to preventive diplomacy and conflict resolution and should involve a partnership between government and civil society organisations. Thus, it argued that, 'equally as important as peacemaking - a remedial measure to alleviate or end the scourge of conflict - is conflict prevention. It is also in this field that interfaith cooperation should be carried out, in particular by focusing interfaith energies on development. Interfaith dialogue and cooperation should be a partnership between Governments and civil society. It should set aside theological or doctrinal issues and focus instead on shared concerns such as health, education, employment, humanitarian assistance and other development-related problems'.<sup>96</sup> Later that year, the Philippines maintained that 'the Philippine experience has demonstrated the significance of interfaith and intercultural dialogue in preventing conflicts and healing social wounds in conflict-stricken communities such as those in the southern Philippines. Interfaith dialogue has been found to be essential in translating shared values of peace and respect into practical action at the grassroots level. It offers a way out of the vicious circle of mistrust and conflict among religious and ethnic groups, for two reasons. First, it provides a venue for building trust and respect based on appreciation and acceptance of the common values and differences among religions, cultures and ethnicities. Secondly, it provides an opportunity to establish a common understanding of the causes of armed conflicts affecting multi-ethnic and multicultural communities such as those in the southern Philippines'.<sup>97</sup> Although the Philippines has not identified specific measures that the international community could adopt to facilitate interfaith dialogue, it is clear that it views such dialogue as important in terms of building a community's capacity to resolve disputes that could escalate into violence and, potentially, the commission of the four crimes associated with the R2P.

The second area of capacity building specifically emphasised by the Philippines relates to the rule of law. The Philippines understands that maintaining the rule of law as one of the main responsibilities of sovereignty and emphasised the role of internationally agreed treaties in setting crucial benchmarks. Thus, in a General Assembly meeting on the International Court of Justice, it argued that 'we subscribe to the premise that the application of the rule of law is ultimately enforced through the assumption of States of their duties and obligations with regard to treaties negotiated between and among them and their application of the doctrines of sovereign equality, democratic principles and generally accepted norms of international law in their relations with each another. The role and importance of the World Court in guaranteeing the peaceful resolution of international disputes could not be made more obvious'.<sup>98</sup> Precisely how the international community could support the rule of law remained unclear, however.



## ***Peace Operations***

The Philippine government is relatively comfortable with the UN Security Council using Chapter VII of the Charter to authorise enforcement measures when deemed necessary and as a last resort. What is more, the Philippines has supported a number of innovative initiatives aimed at improving the international community's capacity to deploy peacekeepers in a timely and effective manner when needed. Most notably, perhaps, the Philippines has supported various ideas to improve the UN's ability to deploy peacekeepers rapidly through standing and standby arrangements and called for the strengthening of the UN's Department for Peacekeeping Operations (DPKO). It has also called on the developed world to contribute more personnel and equipment to peace operations.

On the question of standing and standby arrangements to improve the UN's capacity to deploy peacekeepers rapidly, the Philippines supported the creation of a standing police capacity, an enhanced deployable reserve capacity and measures to strengthen the Standby Arrangement System (UNSAS).<sup>99</sup>

It also insisted that the developed world should contribute more to peace operations and 'share the burden by also deploying personnel and equipment to support these operations'.<sup>100</sup> It returned to this theme in 2007, arguing that the DPKO was overburdened and required both an injection of financial resources and additional professional personnel. Thus, it noted with concern that whilst the peacekeeping budget had expanded fivefold from \$1 billion annually to \$5 billion per year, the DPKO's capacity has only expanded twofold. In particular, the Philippines called for the strengthening of the DPKO's Military Division through the appointment of additional professional planners to help oversee the organisation's field operations.<sup>101</sup>

On the matter of deepening ASEAN's contribution to peace operations, the Philippines has suggested the creation of bilateral partnerships with Member States that have the resources to enable the Philippines and others to enhance their peacekeeping capabilities.

## ***Regulating the Trade in Small Arms and Light Weapons, and disarmament***

In line with several other ASEAN members, the Philippines advocates the control of illicit small arms and light weapons, which it sees as a key conflict prevention strategy. The proliferation and uncontrolled spread of small arms and light weapons, it argues, 'pose a serious threat to peace, safety and security and even to sustained economic growth and development'. The Philippines has expressed disappointment that the UN's Programme of Action on Small Arms and Light Weapons has not been effective to date and that Member States have failed to agree a pathway for its implementation. As part of the negotiations about

the implementation of the Programme of Action, the Philippines identified four major principles/priorities that should shape progress in this area. First, the process should proceed on the basis of international cooperation and should emphasise points of consensus. Second, the Programme should emphasise the need to promote dialogue and a culture of peace through its implementation. Third, civil society had an important role to play in the Programme's implementation. Finally, any agreement on implementing the Programme of Action should contain follow-up mechanisms.<sup>102</sup>

### ***Cooperation between the UN and ASEAN***

Like other governments in the region, the Philippines has called for deeper cooperation between the UN and ASEAN in ways that could add value to the region's capacity to conduct peace operations and contribute to the prevention of armed conflict and post-conflict reconstruction.<sup>103</sup> The Philippines is one of the region's principal advocates of ASEAN reform and argues that the Association should establish a robust and effective human rights body, among other things. The Philippines argued that the UN must recognise that regional organisations play a 'primary role' in the maintenance of peace and security in their regions. In particular, the Philippines has called for deeper cooperation between ASEAN and the UN Security Council and the establishment of formal arrangements to codify 'clear areas of responsibility and more efficient cooperation'. The Security Council, it argues, should ensure that it consults widely with regional organisations, especially on matters that relate to the region itself. The Philippines has also argued that the granting of General Assembly Observer Status to ASEAN in 2006 has created further opportunities for collaboration though it has not identified specific areas for potential collaboration.

## **9.4 Summary**

In 2004-5, the Philippines expressed relatively strong support for the R2P and the concept of sovereignty as responsibility. Not only did it specifically endorse the principle, but it also insisted in relation to the crisis in Darfur that the UN Security Council should assume the responsibility to protect populations from genocide and mass atrocities in situations where the national authorities were manifestly failing to do so. Since it stepped down from the Council, the Philippines has taken a more reserved approach but has nevertheless voiced support for a range of measures that would support the operationalisation of the R2P, both within ASEAN and the UN. In relation to ASEAN, the Philippines is a noted advocate of a strong and robust human rights body and supports deeper international engagement aimed at improving the situation in Myanmar. In relation to the UN, the Philippines supports the Peacebuilding Commission and the contribution it can make to building state capacity and preventing conflict, endorses measures to deepen interfaith dialogue, demands that the developed world contribute more to peace operations, welcomes steps to improve the UN's capacity to deploy

peacekeepers in a timely fashion, and supports the strengthening of measures to regulate the illicit trade in small arms and light weapons.



## 10. Singapore

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### 10.1 Background

Singapore is a small but wealthy state, with a GDP per capita of \$29,499. It is a member of the 'Friends of R2P' group established by Canada to facilitate dialogue between like-minded states at the level of the permanent missions to the UN in New York. It is also a member of the so-called 'Small Five' group of states (S5) (with Costa Rica, Liechtenstein, Jordan and Switzerland) that put forth a consolidated proposal for reform of the UN Security Council which included a modest proposal aimed at limiting the use of the veto on matters relating to genocide and mass atrocities. Although it has not publicly stated its support or opposition to the R2P, its membership of the group of friends, endorsement of the Secretary-General's report *In Larger Freedom* and support for the 2005 World Summit Outcome Document all suggest that Singapore endorses the R2P.

### 10.2 Singapore and the Responsibility to Protect

Singapore has not publicly stated its position on the R2P, making it difficult to definitively discern its position. However, leaving aside its membership of the 'Friends of R2P' – which is a fairly clear statement of its views – in endorsing the Secretary-General's report *In Larger Freedom* and the UN Peacebuilding Commission, Singapore has endorsed several central tenets of the R2P. These include the idea that sovereignty should not be used to protect the perpetrators of massive killings and crimes against humanity and the need for measures and criteria to guide the international community in its efforts to prevent the commission of such crimes. It is worth citing Singapore's position on these questions at length, as it demonstrates clear support for the notion of sovereignty as responsibility that underpins the R2P.

Reflecting on *In Larger Freedom* in April 2005, Singapore maintained that:

In the context of freedom to live in dignity, Singapore fully subscribes to the importance of the rule of law as a necessary framework for an enabling environment in the new millennium in which we can work to advance human development. In the absence of the rule of law, the rule of man, mob rule of the law

of the jungle will prevail. My delegation recalls the Secretary-General's landmark statement on the rule of law in the 3<sup>rd</sup> meeting of the fifty-ninth regular session of the General Assembly, in which he rightly pointed out that many of the problems that humankind continues to face today stem from the lack of the rule of law.

But laws and norms are also not static. They evolve over time. In a highly evolved global community, and especially in this new millennium, it is high time that massive killings and crimes against humanity become things of the past. Yet these things continue to happen, and they continue to be protected by the walls of an antiquated notion of absolute sovereignty. I am certain that none among us will speak for such crimes.

The issue then is what we, the members of the General Assembly, do about it. The reality is that we cannot simply wish such crimes away. My delegation sees this as a special challenge for Member States. We need to have frank, open-ended discussions to establish clear rules, underscored by clear and agreed criteria on how to prevent and deal with such crimes – criteria that would, at the same time, leave no room for abuse of any sort by anyone'.<sup>104</sup>

Later that year, in the context of a discussion on the Peacebuilding Commission, Singapore reiterated its view that sovereignty entailed responsibilities and that absolutist notions of sovereigns were no longer viable. Thus, Singapore argued that:

On peacebuilding, stability and the ability to govern are fundamental prerequisites for development. Bitter experience has shown us that instability in one State can have powerful contagion effect far beyond its borders. The manner in which internal developments in one State have wider ramifications is only one illustration of how narrow notions of sovereignty no longer hold today. We believe that the proposal to create a peacebuilding commission is worthy of support, but given the complexities and sensitivities inherent in its proposed functions, we must be flexible in our approach and envisage changes in structure and functions over time and in different circumstances. In doing so, we must acknowledge that the concept of absolute sovereignty will not always be a viable operating principle. For that reason, establishing a peacebuilding commission will be a contentious enterprise, but that should not deter us from pursuing a worthy goal.<sup>105</sup>

While this comment was given in the context of supporting the Peacebuilding Commission, it is notable that Singapore – a founding member of ASEAN and proponent of the non-interference principle – conceded that sovereignty can no longer be used to shield states from international efforts to maintain international peace and security.

### 10.3 R2P Related Policy Priorities

- Reform of the UN Security Council
- Strengthening regional arrangements

#### ***Reform of the UN Security Council/S5 Proposal***

Singapore is a member of the S5, which put forward a modest proposal for reform of the UN Security Council aimed at improving the Council's effectiveness, transparency, representativeness and legitimacy whilst avoiding the deeply divisive debates about membership. This proposal has won some support outside the region (e.g. Republic of Korea). In summary, the S5 proposal calls for reform of the Council's working practices rather than its membership by:

- Requiring permanent members of the Security Council to publicly explain their actions in cases where they cast a veto especially on matters relating to serious humanitarian emergencies.
- Instituting regular and timely consultations between members and non-members of the Security Council, established as part of the Council's standard operating procedures.
- In cases where decisions by the Security Council require implementation by all Member States, the Council should seek the views of the Member States and ensure that their ability to implement decisions is taken into account in the decision-making process.
- Exploring ways to assess the extent to which its decisions have been implemented, including the establishment of lessons-learned groups.
- Subsidiary bodies should include in their work, on a case-by-case basis, non-members with strong interest and relevant expertise.
- Enhanced consultations with troop-contributing countries.

Of particular interest here are those elements of the proposal that relate to the measures aimed at making the Security Council better able to respond to humanitarian emergencies in a timely and decisive manner. The S5 proposal summarised above included a recommendation that Security Council members, particularly the Permanent Five, provide more explanation about their votes. Particularly significant in this regard was the



recommendation that the permanent members be required to publicly explain their reasons for vetoing draft resolutions. In line with similar proposals made by the Secretary-General's High Level Panel and the Secretary-General himself, the S5 intended that this measure would 'prevent – bearing in mind the responsibility to protect - the use of the veto in cases of genocide, crimes against humanity and serious violations of international humanitarian law'.<sup>106</sup> It is worth noting that Singapore attached particular significance to these provisions on the veto. In the wake of the 2005 World Summit's failure to reach a consensus on Council membership, Singapore noted while the expansion of the Security Council membership could no longer be discussed due to a lack of consensus, there was no reason to cease debate on measures to limit the use of the veto. As Singapore argued, 'greater transparency and accountability in the Council's working methods would accord Council decisions greater moral and political authority beyond what is legally conferred by virtue of the Charter of the United Nations'.<sup>107</sup>

Singapore further warned that the Security Council was at risk of losing its legitimacy if it did not make its decision making process more transparent.<sup>108</sup> It argued that public communication is important for any institution to succeed and when an institution 'eschews transparency [it] risks raising suspicions that something is amiss'. It went on to endorse the role of civil society organisations in keeping the Council transparent and accountable, arguing that *Security Council Report*, a project created and led by Colin Keating, former Permanent Representative of New Zealand to the United Nations and Patron of the Asia-Pacific Centre for the Responsibility to Protect, played a particularly important role by shedding light on how the Security Council arrives at its decisions.<sup>109</sup>

### ***Strengthening Regional Arrangements***

At the same time that Singapore has advocated reform of the UN Security Council, it has also emphasised the need to strengthen ASEAN's capacity to respond to regional emergencies – especially natural disasters. However, it has sent out some mixed messages on the situation in Myanmar.

In the wake of the government of Myanmar's crackdown on the Buddhist uprising in September 2007, Singapore adopted a relatively critical position, though it stopped well short of calling for the adoption of punitive or enforcement measures and allowed procedural concerns to prevent it from supporting some aspects of international engagement.<sup>110</sup> It maintained that the UN Secretary-General's Special Envoy, Ibrahim Gambari, had played a 'unique and irreplaceable' role in continuing to engage the Myanmar government and Daw Aung San Suu Kyi.<sup>111</sup> Singapore went on to express its disappointment with the government of Myanmar's strategy of 'arbitrary arrests' and called for the release of all protestors and of Daw Aung San Suu Kyi, saying that 'it would have been much better had Daw Aung San Suu

Kyi been released and allowed to deliver the remarks herself...The Myanmar Government also needs to establish a meaningful, results-orientated and time bound political dialogue with Daw Aung San Suu Kyi. Such a process should be inclusive and involve all stakeholders, including the various ethnic groups'.<sup>112</sup> Finally, Singapore stressed that the international community should continue to support Gambari and that the Myanmar government should fully cooperate with the Special Envoy.

This came in the context of ASEAN inviting the Security Council to play a leading role owing to Myanmar's attempts to deflect international engagement. As Singapore's Foreign Affairs Minister, George Yeo, explained:

It's been an eventful year [for ASEAN], when we took over from the Filipinos, we expected the Charter and its implementation, to be the key item on the agenda. It was, but we also had, in addition, the *brutal crackdown of peaceful demonstrators* last September in Myanmar, which forced us to meet in an emergency session in New York during the UN General Assembly and issue a strong statement. Then we have the Gambari process - we had hoped that the process could be backed by ASEAN as a community. Unfortunately, during the Summit last year, Myanmar told us that it did not want ASEAN involved in the Gambari process and that it preferred to deal directly with the UN Security Council. So my Prime Minister had sadly to convene a press conference late that evening, with eight other leaders standing beside him, reading out a statement that said, well, we offered, we tried, it's regrettable, but it's Myanmar's decision.<sup>113</sup>

The government of Myanmar's refusal to permit humanitarian access in the wake of Cyclone Nargis in May 2008 acted as something of a circuit-breaker in this regard. As Yeo explained, 'we had to suspend all our political reservations and say look, let's concentrate on the humanitarian efforts'. The consequence of all this, Yeo maintained was the creation of heightened political will to develop ASEAN's disaster response capability, which will become a major priority.<sup>114</sup>

## 10.4 Summary

As a member of the 'Friends of R2P' grouping in New York, Singapore has demonstrated its commitment to the R2P though it has not taken an overt public position on the principle or put forward ideas for translating it from words to deeds. Singapore's primary contributions include the S5 plan for Security Council reform, its response to the situation in Myanmar, and role in developing ASEAN disaster response capability. Singapore is also a clear and vocal support of the concept of sovereignty as responsibility, indicating that it is prepared to consider pathways for translating the R2P from words to deeds.



## 11. Thailand

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### 11.1 Background

Thailand is another of Southeast Asia's 'tiger' economies. With the exception of the 1997 Asian Financial Crisis, it has enjoyed steady economic growth and is presently the region's fourth wealthiest country. However, Thailand has been plagued by political instability since the ousting of Prime Minister Thaksin Shinawatra by a military coup in 2006. Whilst Thaksin was forced into exile by corruption charges and his political party banned, fresh elections in 2007 returned a new government of Thaksin loyalists to power. This sparked protracted mass protests, particularly in Bangkok, which culminated in the government's dismissal by the High Court and the establishment of a new government based on a fragile coalition of opposition parties and former members of Thaksin's own party. The establishment of this new government has recently been greeted with mass protests by Thaksin loyalists.

Thailand's domestic turmoil has influenced its position on international affairs. Prior to 2006, Thailand was something of a leader among the region's progressive countries. Former Foreign Minister, Surin Pitsuwan (now the Secretary-General of ASEAN), was a key advocate of the human security concept and a member of the International Commission on Intervention and State Sovereignty's Advisory Board. Thailand participated in the Australian-led INTERFET mission to East Timor and was a proponent of the idea of 'flexible engagement' – a modification of the principle of non-interference that would permit the region's countries to criticise one another on human rights grounds. Thailand is also a long-standing troop contributor to UN peace operations.

### 11.2 Thailand and the Responsibility to Protect

Thailand voiced support for the R2P in 2005 but has subsequently gone quiet on the issue. In 2005, Minister of Foreign Affairs Kantathi Suphamongkhon stated that his government saw 'merit in the idea of collective responsibility to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity'.<sup>115</sup> Since then, the Thai government has not referred to the R2P. In relation to Myanmar, Thailand closely followed the position of Indonesia and Singapore, signaling a strong preference for ASEAN to be the 'bridge between Myanmar and the international community'.<sup>116</sup> However, it is worth noting that Ambassador

Pramudwinai also acknowledged that ASEAN risked losing its credibility had it continued to do 'nothing' in the aftermath of Cyclone Nargis – tacitly recognising that external actors have a responsibility to provide assistance in grave humanitarian emergencies. In 2008, a Thai diplomat expressed the view that Thailand had not acquiesced to the R2P at a seminar held in New York, but this does not appear to reflect the government's official view, which remains more open to the principle.

### 11.3 R2P Related Policy Priorities

- Strengthening rule of law and regulating the trade in small arms
- Strengthening humanitarian response
- Human rights
- Regional organisations

#### ***Strengthening rule of law and regulating the trade in small arms***

In line with its view that human security, and international peace and security more broadly, rests on states, Thailand argues that maintaining the rule of law is an important linchpin in the nexus between development, peace and security. As such, Thailand supported the establishment of the Rule of Law Coordination Unit and the Rule of Law Assistance Unit at the UN. Although the global effort to strengthen the rule of law should respect the diversity of legal systems, Thailand argued that 'it was incumbent on each Member State to ensure that the rule of law was duly observed within its territory'.<sup>117</sup> Although stressing the importance of rule of law, Thailand has remained relatively vague on how the international community might support its strengthening. However, it has suggested that accession to (and adherence to) international treaties might be one component of advancing the rule of law.

Another component is measures designed to strengthen the regulation of one of the principle threats to the rule of law – the trade in small arms and light weapons. Thailand thus argues that 'while addressing the issue of weapons of mass destruction as a matter of grave concern, we should remind ourselves that the proliferation of small arms and light weapons is also a serious threat to international peace and security. It has been estimated that 60 per cent to 90 per cent of deaths in violent conflicts are caused by small arms'.<sup>118</sup> Thailand has itself implemented the Programme of Action but has expressed its disappointment at the lack of global progress in implementing the Programme. To date, Thailand laments, global progress has amounted only to the issuing of procedural reports, without substantive outcomes. Thailand has expressly noted its agreement with the Laotian position in attaching 'great importance to the prevention and suppression of the illicit trade in small arms and light weapons, and is fully committed to the United Nations Programme of Action'. Moreover, Thailand noted that whilst it had made satisfactory progress in implementing the Programme

of Action, other states had not. The international community could play an important role, it argued, by providing technical and financial assistance to states to enable them to achieve the Programme's objectives.<sup>119</sup>

### ***Strengthening humanitarian response***

Thailand supports initiatives to strengthen the international community's capacity to respond effectively to humanitarian disasters. Unlike some other countries in the region, however, Thailand has specifically limited its comments to humanitarian responses to natural disasters, deliberately excluding human-made disasters. In particular, it has called for the establishment of an integrated approach to capacity building that includes national authorities, regional organisations and various UN agencies. In this vein, Thailand supported the establishment of the Central Emergency Response Fund and the development of an Asian Disaster Reduction Centre and the allocation of funds to the Centre to support training programmes aimed at improving community-based capacities to reduce the humanitarian impact of natural disasters. Thailand is also a major donor to the Asian Disaster Preparedness Centre which was established in 2005 as a regional focal point for the establishment of a tsunami early warning system in the Indian Ocean.<sup>120</sup>

### ***Human rights***

Like other states in the region, Thailand emphasises the importance of universal human rights but stresses that they should be promoted in a cooperative fashion, recognising that 'human rights should be nurtured at the national level'.<sup>121</sup> The key to promoting human rights is twofold. First, governments should be encouraged to accede to relevant human rights treaties such as the Convention against Torture. Second, it is important for governments to promote human rights consciousness among their citizens by introducing human rights into school curricula, whilst taking local cultures and specificities into account. These efforts could be supported internationally by the development of regional human rights mechanisms (such as that proposed for ASEAN) and the application of the UN Human Rights Council's Universal Periodic Review mechanism.<sup>122</sup>

### ***Regional organisations***

Like many other governments in the region, Thailand believes that regional organisations play an important role in the promotion of international peace and security. As such, Thailand maintains that the UN can play a constructive role by assisting regional organisations to build the capacity they need to operate effectively. This could involve initiating lessons learned processes so that organisations might learn from each other and an emphasis on the



interlinkages between sub-regional, regional and cross-regional initiatives, though Thailand has not developed specific proposals along these lines.

## 11.4 Summary

Thailand has remained rather reticent about the R2P principle and related international issues. Despite expressing a degree of caution, Thailand endorsed the principle in 2005 and has not openly challenged proposed measures to translate the principle from words to deeds. Neither has Thailand taken a particularly strong position on a variety of related matters. Where it has expressed its views clearly, Thailand has voiced strong support for measures to strengthen the Programme of Action on small arms and light weapons, regional disaster preparedness, the promotion of the rule of law, and assistance to states to encourage the promotion of human rights through education.



## 12. Viet Nam

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### 12.1 Background

Having waged a long and bloody struggle for national independence and unification and enduring a decade of economic sanctions in the wake of its intervention in Cambodia which removed the genocidal Pol Pot regime, Viet Nam is understandably committed to a traditional conception of sovereignty that emphasises sovereign equality and the principle of non-interference. Viet Nam has a rapidly growing economy, but with a GDP per capita of \$724 in 2006 it still lags well behind most ASEAN members and is the fourth poorest state in the Association (ahead of Myanmar, Cambodia and Laos). It is no surprise, therefore, that Viet Nam tends to emphasise the need for the developed world to do more to support economic development. In 2007, Viet Nam was elected as a non-permanent member of the UN Security Council for 2008-9.

Prior to the 2005 World Summit, it appeared that Viet Nam would not support the R2P owing to its commitment to sovereignty and non-interference. Nonetheless, although Viet Nam remains deeply cautious, if not sceptical about the principle, it acquiesced in the World Summit agreement. Since 2005, Viet Nam's position on the R2P has changed slightly and its government has become more accepting of the principle – going as far as to endorse its first pillar: the state's responsibility to protect its own populations from the four crimes associated with the R2P. Despite this, Viet Nam remains opposed to what it sees as undue interference in the domestic affairs of states and especially to the adoption of coercive measures such as sanctions by the UN Security Council. However, the subtle shift in Viet Nam's stance on the R2P suggests that it might be willing to support measures to assist states to fulfil their sovereign responsibilities.

Within the ASEAN context, Viet Nam aligns itself with those states that remain most committed to a traditional understanding of the principle of non-interference. It was instrumental in arguing that the proposed ASEAN human rights body should respect sovereignty and non-interference and has opposed suggestions that the body should monitor members' human rights records or have the authority to take punitive measures, such as suspending membership, in cases where a member state commits grave breaches of human rights against its own population.

## 12.2 Viet Nam and the Responsibility to Protect

Prior to the 2005 World Summit, Viet Nam indicated that it would not support the R2P. Reflecting on the UN Secretary-General's Report *In Larger Freedom*, Viet Nam flatly rejected the view that the R2P was an 'emerging norm of international law' as implied by Annan. Tellingly linking its scepticism about R2P with its denunciation of pre-emptive self-defence, Viet Nam stated that:

Article 51 of the Charter is clear and restrictive in the sense that the inherent right of individual or collective self-defence can be employed only if an armed attack occurs against a Member State. We do not believe, therefore, that Article 51 provides an expanded scope for permitting States to take military action on the basis of a perceived imminent threat. Nor are we convinced that responsibility to protect is an emerging norm of international law.<sup>123</sup>

By September 2005, Viet Nam had subtly changed its position, expressing support for the idea that 'guaranteeing and promoting human rights' was a high priority of the United Nations. Viet Nam, went on to state its interest in the Human Rights Council and the concept of the responsibility to protect, arguing that both should receive 'more in-depth discussions' by the General Assembly to ensure they enjoyed broad support.<sup>124</sup> In the Third Committee of the General Assembly, Viet Nam reiterated its support for the Human Rights Council and stated that its government 'attached great importance to strengthening international cooperation on human rights on the basis of equality, mutual respect and understanding, and constructive dialogue'.<sup>125</sup>

Most crucially, however, Viet Nam has reiterated its support for the World Summit Outcome Document and voiced support for Security Council Resolution 1674, both of which affirmed the R2P.<sup>126</sup> Its support is strongest in relation to the first two pillars (the primary responsibility of states to protect their populations and the international community's responsibility to assist) and much more cautious in relation to the third pillar (the responsibility to take timely and decisive action when the state is manifestly failing in its responsibility to protect), owing to its commitment to the principle of non-interference and potential infringements on sovereignty.

'Viet Nam's view', its Permanent Representative argued in 2008, is 'that it is States that bear primary responsibility to protect their own civilians and to deal with violence against civilians as well as violations of international humanitarian law. In order to help States fulfil their responsibilities, the United Nations can help improve their national capacity, provide technical assistance and work with them to conduct other awareness-raising activities, for instance through training courses'.<sup>127</sup> This view was reiterated in Viet Nam's comments on the protection of children. Here, Viet Nam argued that 'in order to ensure its quality, reliability and

objectivity, strengthened dialogue and cooperation with national Governments who bear the primary and ultimate responsibility to protect and care for the children of their own countries, is of vital importance, as are consultations with the United Nations entities and non-governmental organisations'.<sup>128</sup> Thus, Viet Nam indicated its endorsement for the first two pillars. Importantly, Viet Nam singled out the prevention and peaceful resolution of armed conflict as 'the best way to protect civilians in armed conflict'.<sup>129</sup>

In relation to those aspects of the R2P that refer to the international community's responsibility to take timely and decisive measures when the host state is manifestly failing in its responsibilities, Viet Nam insisted that 'the Security Council should consider the issue of the protection of civilians on a case-by-case basis and in line with the approach endorsed in previous relevant resolutions'.<sup>130</sup> Chief among those relevant resolutions is Resolution 1674 which set out the Security Council's endorsement of the R2P. In addition to this clear endorsement of the R2P envisioned by the 2005 World Summit, Viet Nam also indicated that it might be time to further consider proposals for translating the principle from 'words into deeds'. At the very end of its statement to the Security Council, Viet Nam noted that: 'Bearing that in mind [the aforementioned statement on the principle], we hold that the creation and application of any international mechanism should be thoroughly studied with a view to ensuring its efficient, effective and sustainable performance without resulting in an unnecessary financial burden for States'. At the very least, this statement indicates Viet Nam's willingness to consider appropriate mechanisms for enacting the Security Council's commitment to the protection of civilians and R2P principle. Alongside Viet Nam's support for the principle, this represents a significant strengthening of consensus and clearly indicates that Viet Nam shares the majority view on the principle.

From this, it seems that Viet Nam was initially concerned that the R2P would create a 'right' to intervene or interfere in the domestic affairs of states which would be troubling in itself but which could also be abused by the world's more powerful states. By the time of the World Summit itself, however, Viet Nam was reassured that R2P would not have this effect, presumably because the Summit Declaration insisted that the application of the R2P be consistent with the UN Charter and called for further deliberations by the General Assembly.

## 12.3 R2P Related Policy Priorities

- Prevention
- Illicit trade in small arms
- Protection of civilians
- Reform and strengthening of the UN system
- Peacebuilding

### ***Prevention***

Viet Nam has voiced its support for the primacy of prevention and has specifically referred to the role of early warning, preventive diplomacy and disarmament, demobilisation, and reintegration as important components of prevention. In 2007, the year of its election as a non-permanent member of the Security Council, Viet Nam began attending Council meetings and offering opinions in open meetings. At one such meeting, on the peacebuilding efforts in the Democratic Republic of Congo (DRC), Viet Nam stressed that 'it is pertinent for the Council to revisit the question of its role in conflict prevention and resolution on a regular basis'.<sup>131</sup> Viet Nam went on to comment at length, indicating its own priorities on the subject of prevention:

[M]y delegation wishes to recall that General Assembly resolution 60/1, which was adopted at the 2005 World Summit, underlines the importance of prevention of armed conflicts in accordance with the purposes and principles of the Charter and promotes a culture of prevention as a means to effectively address the interconnected security and development challenges faced by many nations in the world. Security Council resolution 1625 (2005), while highlighting the need for strengthening the Council's role in conflict prevention, particularly in Africa, reaffirms the principles of refraining from the threat or use of force and of peaceful settlements of international disputes.

Equally important, the international community has attached greater importance to such interdependent and complementary components as early warning, preventative diplomacy and demobilisation, disarmament and reintegration of ex-combatants, as well as post-conflict peacebuilding.<sup>132</sup>

Unfortunately, Viet Nam has not elaborated on what approach to prevention or specific initiatives it would lend its support to, but its support for strengthening international capacity in this area is significant.

### ***Illicit Trade in Small Arms and Light Weapons***

One aspect of prevention that Viet Nam has voiced specific support for is the regulation of the trade in small arms and light weapons. Like many other ASEAN members, Viet Nam supports the Programme of Action on small arms and light weapons. In so doing, Viet Nam has called for improved coordination within the UN, pointing out that ‘recent reviews show that remarkable efforts have been made by countries in different parts of the world, resulting in the enhanced awareness of the need for effective control of such illicit activities and the birth of mechanisms supporting implementation of this Programme of Action...We share the view of the Secretary-General that, within the United Nations, coordination on the issue of small arms could benefit from further improvement’.<sup>133</sup> Viet Nam went on to state its support for including arms embargoes in mandates of United Nations peacekeeping missions and for the ‘development of quantitative indicators for the area of small arms with a view to their being used as a base against which to set measurable goals and a 2015 deadline for that work to be done, as mentioned in recommendation 2 [in the Secretary-General’s report S/2008/258]’.

### ***Protection of Civilians***

Although Viet Nam has taken a relatively cautious position on the protection of civilians, emphasising the primary responsibility of states towards their own populations, it has made a number of concrete proposals in this area. Most notably, in 2007 Viet Nam ‘welcomed’ the Office for the Coordination of Humanitarian Affairs’ (OCHA) efforts to integrate Security Council Resolution 1674 (2006) into the mandates of peacekeeping missions to protect civilians.<sup>134</sup> Moreover, it called for more analysis on the operationalisation of protection, suggesting that, ‘we support the efforts to carry out a more in-depth analysis of the causes and consequences of access constraints and the further engagement of parties to conflicts in providing for and protecting humanitarian operations and channels’.<sup>135</sup>

### ***Reform and Strengthening of the UN System***

In the past few years, Viet Nam has voiced generic support for a range of measures aimed at reforming and strengthening the UN system, which would contribute to translating the R2P from words to deeds. In particular, Viet Nam has stressed its support for establishing the Peacebuilding Commission and strengthening and reforming the Security Council, whilst also voicing support for the Human Rights Council.

In discussions on the reform of the Security Council, Viet Nam noted that ‘[A]s the principle United Nations organ having primary responsibility for the maintenance of international peace and security, the Security Council has made a significant contribution to removing those dark spots from the picture...Nevertheless, the Security Council still has to work much harder to



discharge its heavy responsibilities, as peace and stability are still regarded as something of a luxury to people in many areas of the world'.<sup>136</sup> On the question of Security Council reform, Viet Nam supported the 'S5' proposal on reforming the Council's working methods, which included a recommendation that permanent members publicly justify any veto put forward on matters relating to grave humanitarian crises.<sup>137</sup> Two years later, Viet Nam reiterated in more general terms its support for the idea of limiting use of the veto.<sup>138</sup>

In relation to the Human Rights Council and Peacebuilding Commission, in 2006 Viet Nam welcomed their creation, noting the 'initial successes in the United Nations reform process, such as the establishment of the Human Rights Council and the Peacebuilding Commission, [but noted that] we realise that much remains to be done'.<sup>139</sup> Of these two new bodies, Viet Nam has been most supportive of the Peacebuilding Commission and has commented at length on the Commission:

If it is to live up to the expectations and aspirations of the international community, improvements should be made in some crucial areas and a number of outstanding issues must be addressed in the coming years. That should include the further development of the working methods of the Commission, the monitoring mechanisms for integrated peacebuilding strategies, and enhanced operational relationships with other intergovernmental bodies as well as regional and subregional organisations.

Enhanced integration among various stakeholders engaged in post-conflict peacebuilding activities is of vital importance. The United Nations broad experience spanning conflict prevention, mediation, peacekeeping, humanitarian and election assistance, reconstruction and sustainable development must be fully exploited in conjunction with inputs from international financial institutions, non-governmental organisations, civil society and the private sector.

We strongly believe that integrated peacebuilding strategies must fully reflect the socio-economic reconstruction and development priorities of recipient countries, as well as the comparative advantages and practical commitment of international donors. Such a well-coordinated process, we believe, helps avoid wasteful duplication or misuse and, at the same time, needs periodical review to bring about better outcomes.

We wish to reiterate that the national ownership of post-conflict peacebuilding priority plans and initiatives must remain at the forefront of any effort aimed at sustaining peace, initiating development and promoting post-conflict recovery. Foreign assistance plays a supplementary role and cannot replace home-grown

endeavours for enhancing institutional frameworks, reinforcing capacity-building and strengthening legal and administrative systems that ultimately bolster autonomy and self-determination.

My delegation agrees that the future work of the Commission must ensure that peacebuilding processes remain on track and that challenges are addressed in a timely and coherent manner by all relevant actors. In the early phases of its life, the Commission has a number of issues to address in order to improve its effectiveness and broaden its impact on the ground.<sup>140</sup>

As such, whilst emphasising national ownership, Viet Nam maintains that the Peacebuilding Commission has a vitally important role to play and should be strengthened in a number of ways, not least by:

- Establishing a mechanism for monitoring integrated peacebuilding strategies;
- Developing operational relationships with other inter-governmental bodies;
- Integrating all the stakeholders in peacebuilding, including the International Financial Institutions;
- Assisting states to build capacity and strengthen legal and administrative systems.

### ***Partnership with Regional Organisations***

Viet Nam regularly emphasises its ASEAN membership and has called for enhanced cooperation between regional organisations and the Security Council especially in the areas of conflict prevention and peacekeeping.<sup>141</sup> Viet Nam argues that regional organisations are best placed to address the root causes of conflict, find peaceful solutions and operationalise global initiatives. Thus:

[R]egional organisations [have] the advantage in better understanding the root causes of regional conflicts and are better placed to finding peaceful solutions to those problems...Resources from regional players also strengthen global action to counter the spread of weapons of mass destruction and the illegal circulation of small arms and light weapons, to combat the drug trade and organised crime and to resolve other destabilising cross-border issues.<sup>142</sup>

In relation to the specific contribution of regional organisations, Viet Nam argues that such bodies should play a leading role in preventive diplomacy, early warning, institution building and development promotion. In terms of the relationship between regional organisations and the UN, Viet Nam argues that the Security Council should encourage regional organisations to provide information and work in partnership on peacekeeping and peacebuilding:

While it is true that not all regional organisations work in the same manner and that regional perspectives should be respected, Viet Nam recognises certain areas in which the contributions of regional organisations to international peace and security can be further elaborated and strengthened. Based upon their unique rich knowledge of local and cultural conditions, regional organisations should further concentrate on preventative diplomacy, early warning mechanisms, institution-building and the promotion of development and well-being. Regional organisations should be encouraged to assume a key role in providing information from the field and in helping to formulate the peacekeeping and peacebuilding strategies of the Security Council, the Peacebuilding Commission and other organs.<sup>143</sup>

Viet Nam returned to this theme in 2008. Reiterating its view that regional organisations are well positioned to understand the root causes of armed conflicts and have unique advantages to detect potential threats early and find peaceful solutions to these problems, Viet Nam set out some ways in which value could be added through partnership between the UN and regional organisations. Specifically, it argued that the UN could strengthen regional capacity by providing political, physical and financial assistance to the peacekeeping efforts of regional organisations.<sup>144</sup>

## 12.4 Summary

Although it remains deeply cautious about the potential for R2P to legitimise interference in the domestic affairs of states, Viet Nam has become gradually more accepting of the principle. From a position of outright hostility prior to the 2005 World Summit, Viet Nam moved to cautious acquiescence at the Summit itself. Thereafter, it has gone as far as to voice specific support for element of the principle, in particular the responsibility of states to protect their own population and the international community's responsibility to provide assistance. Viet Nam has also voiced support for a variety of prevention activities and for strengthening international regulation of the trade in small arms. Although Viet Nam remains much more cautious about the principle's third pillar, it has voiced support for measures associated with the international community's responsibility to take timely and decisive action – for instance measures to improve the capacity of UN peace operations to protect civilians and strengthen regional peacekeeping. It is significant to note that Vietnam has referred in one way or another to 'responsible sovereigns' with increasing frequency in addressing matters from conflict prevention to the protection of civilians.

Finally, it is worth mentioning that although Viet Nam is not a party to the Rome Statute of the ICC, it is giving serious consideration to the matter. On the matter of the ICC, Viet Nam states that it has been 'following the development of the ICC with great interest. We have stated our

support many times for an independent and objective international criminal court that complements national judicial systems and operates in accordance with the fundamental principles of international law. In fact, the competent authorities in Viet Nam are seriously studying the possibility of acceding to the Rome Statute'.<sup>145</sup> This suggests that there is serious scope for encouraging Viet Nam to ratify the Statute.



## 13. Conclusion

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Southeast Asia is more open to the R2P principle than has hitherto been acknowledged, with none of the region's major governments condemning the principle out of hand or actively seeking to derail it. Most of the region's states are either: 1) engaged in the principle, in that they have endorsed the R2P and participated in dialogue about its implementation (whether positively or not); or 2) sitting on the fence, in that whilst they have acquiesced or in some cases endorsed the principle (whilst noting some concerns), they have not contributed to ongoing debate about its implementation. What this means is that while there is a degree of openness to the R2P in Southeast Asia, there is also much potential for governments in the region to take a more critical position on both the principle itself and its implementation. In other words, regional consensus on the principle is possible but much work needs to be done on the way in which the principle is articulated and advanced to take better account of the region's concerns and priorities.

From the preceding analysis we can identify steps that might encourage the region's governments to become more positively engaged. In relation to how the principle should be conceptualised and applied, the analysis identifies five key points:

1. *R2P should be understood as only applying to the four crimes identified by the World Summit Outcome Document and not other sources of human insecurity such as natural disasters.*
2. *R2P should be carefully disassociated from any potential expansion of the international community's scope for coercive interference in the domestic affairs of states beyond the UN Charter.*
3. *International engagement to operationalise the R2P should be predicated on cooperation and the consent of the state as far as possible.*
4. *Such engagement should proceed with due regard for the attitudes and preferences of relevant regional and sub-regional organisations.*

5. *In Southeast Asia, this means that the R2P should be applied in a manner consistent with the principle of non-interference.*

In relation to the best way of actually advancing consensus on the R2P and measures to translate it from words to deeds, the preceding analysis demonstrates that:

1. *The development and application of the R2P should proceed cautiously, inclusively and on the basis of consensus in the General Assembly.*
2. *The R2P principle should be related more closely to the legitimate priorities of developing states, especially in the fields of development and capacity-building.*
3. *Regional organisations such as ASEAN should be involved as far as possible in order to devolve ownership of the principle.*

What, though, does all this mean for the four programmatic dimensions identified by the Secretary-General's Special Adviser, Edward Luck? In order to mobilise Southeast Asian support for the R2P, advocates should focus on developing proposals that these states have themselves made. These proposals focus mainly on the R2P's first and second pillars and include a range of initiatives through which the international community can assist states to fulfil their responsibility to protect. However, they also include a number of suggestions aimed at improving the UN's capacity to respond in a timely and decisive fashion when a state manifestly fails in its responsibility to protect its population. The remainder of this conclusion summarises some of the principal proposals put forth or endorsed by Southeast Asian governments, noting the level of regional support and consensus. Across the four programmatic areas identified by Luck, there is clearly strongest support for capacity building and rebuilding measures, with a heavy focus on those measures associated with economic development and strengthening the regulation of the illicit trade in small arms and light weapons. There is least support for strengthening early warning and assessment when it comes to genocide and mass atrocities, with none of the region's governments voicing support for a centralised early warning system housed in the UN. Taken together, however, the various ideas and proposals constitute a powerful range of initiatives that would do much to help translate the R2P from words to deeds.



### 13.1 Capacity building and rebuilding

There is broad backing in the region for strengthening measures for supporting states in capacity building and rebuilding. In order of preference (with the most heavily supported initiatives first), ideas and measures that have received support in Southeast Asia include:

1. The view that equitable economic development is core component of conflict prevention, and therefore the prevention of genocide and mass atrocities. As such:
  - a. International assistance with meeting the MDGs targets is imperative.
  - b. Wealthy states should commit 0.7% of their GDP to development assistance.
2. More needs to be done to curb the illicit trade in small arms and light weapons. This should include:
  - a. Measures to strengthen the Programme of Action by providing technical and financial assistance to help states implement the Programme and better coordination across the UN system and between the UN, regional organisations and Member States.
  - b. Measures to ensure the collection, destruction or registration of small arms and light weapons as a form of conflict prevention.
3. International peace and security requires a redoubled effort in the field of peacebuilding, which emphasises national ownership. To achieve this:
  - a. The Peacebuilding Commission should be supported and strengthened.
  - b. The Commission should develop its role in coordinating national capacity building, especially in relation to strengthening legal and administrative systems.
  - c. A mechanism for monitoring integrated peacebuilding strategies should be developed.
  - d. The Peacebuilding Commission should develop operational relationships with other inter-governmental bodies.
  - e. All peacebuilding stakeholders, including the International Financial Institutions, should be integrated into the process
4. The international community can play a role in promoting human rights that emphasises national ownership and cooperation. Measures include:
  - a. Supporting the Human Rights Council's Universal Periodic Review mechanism (there is no specific consensus on the inclusion of R2P within this mechanism but such proposals could be brought forward).
  - b. Providing technical support and financial assistance with the consent of the host state.

- c. Engaging in the promotion of human rights through dialogue and support for national-based education.
  - d. Encouraging accession to, and compliance with, international treaties such as the Convention against Torture.
5. It is incumbent on states to promote the rule of law domestically, and on the international community to assist them. Ways of doing this include:
- a. Promoting the international rule of law by seeking and complying with rulings by the International Court of Justice.
  - b. Encouraging accession to, and compliance with, international treaties such as the Convention against Torture.
  - c. Supporting and strengthening the UN's Rule of Law Coordination Unit and the Rule of Law Assistance Unit.
6. There is some support for wider disarmament measures aimed at protecting civilians. These include:
- a. Disarmament of chemical and nuclear weapons.
  - b. Measures to tackle the scourge of landmines, including demining, victim assistance, mine-risk education and the destruction of stockpiled landmines as a part of mine-action.
  - c. Measures to halt the production, use and stockpiling of cluster munitions.

### 13.4 Early warning and assessment

As indicated earlier, this report detected little regional support for strengthening the UN's capacity to provide early warning of genocide and mass atrocities, though no outright opposition was detected either. This suggests that early warning should be developed cautiously and ideally without adding new offices or specific roles. Where the region's governments did refer to early warning they tended to do so in relation to natural disasters. At least one government (Malaysia) included 'man-made' disasters, but it remains unclear whether this refers to genocide and mass atrocities or not. There is considerable support for developing regional early warning capacity for natural disasters and this could provide an entry-point for discussion of an early warning mechanism for other types of emergency. There has also been discussion of establishing frameworks for translating early warning into rapid and effective humanitarian action. One thing that governments in the region agree on, however, is that any early warning mechanism should be regionally based.

### 13.5 Timely and decisive response

In relation to strengthening the international community's capacity to respond in a timely and decisive manner to genocide and mass atrocities, governments in Southeast Asia have emphasised four areas of concern. Listed in order of priority, these are.

1. The need to reform the UN Security Council. Although governments share the view that this is a major priority, they disagree on the most appropriate modalities for reform, especially on the question of expanding the membership. In relation to the Council's working methods, however, they agree that:
  - a. The Permanent Members' veto prerogatives should be regulated.
  - b. The Council should do more to consult with the wider UN membership by:
    - i. Taking its reporting duties set out in Article 15 and 24 of the UN Charter more seriously
    - ii. Providing the General Assembly with more opportunities to review and comment on the Security Council's performance.
    - iii. Ensuring more consultation with the General Assembly, especially on resolutions that require application by all Member States.
    - iv. Providing enhanced consultation with troop contributing countries.
2. Strengthen UN peace operations. Whilst Southeast Asia remains hostile to interference in the domestic affairs of states and coercive intervention, its governments support the UN's peace operations and have made a variety of proposals for their strengthening. These include:
  - a. Developing sub-contracting arrangements with regional organisations.
  - b. The UN providing assistance to regional organisations in order to develop their peacekeeping capacity.
  - c. The UN providing training assistance to troop contributing countries and training assistance being provided by states on a bilateral basis.
  - d. Measures to improve the UN's capacity to deploy peacekeepers rapidly. These include:
    - i. Establishing standing arrangements or strengthening the existing standby arrangements system.
    - ii. Standby civilian/disaster response arrangements.
    - iii. Strengthening the standing police capacity.
3. The need to improve humanitarian assistance. There is broad support in the region for measures designed to improve the rapidity and effectiveness of humanitarian assistance, delivered with the consent of the host country. These include:

- a. The development of regional capacities in the areas of emergency relief, rehabilitation and reconstruction, and prevention and mitigation.
  - b. Support for and strengthening of the Central Emergency Response Fund.
  - c. The UN should provide more policy guidance to strengthen the capacity of states and regional organisations to respond to humanitarian emergencies.
4. An emphasis on preventive diplomacy. There is strong regional support for the use of diplomacy to tackle emerging problems but there has to date been little commentary on the sort of capacities needed at either the global or regional level to conduct preventive diplomacy more effectively. Among the ideas put forward have been:
    - a. A focus on regional arrangements for preventive diplomacy and mediation, especially through the ASEAN Regional Forum.
    - b. Strengthening the promotion of interfaith dialogue.

### 13.6 Collaboration with regional and subregional arrangements

Although Southeast Asian governments are deeply committed to regionalism and express their commitment in various settings, they have developed few concrete suggestions for strengthening collaboration between the UN and regional and sub-regional arrangements. Four suggestions that can be discerned (none of which have secured much regional support) are:

1. UN assistance to strengthen the proposed ASEAN regional human rights body through the provision of education, training, and other capacity building assistance.
2. UN assistance to strengthen the mediation capacity of regional organisations.
3. Formal arrangements delineating the responsibilities of the UN and regional organisations.
4. Enhanced dialogue between the Security Council and regional organisations.



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