

Can ASEAN take up its responsibility to protect? Gabriela Steinemann The Nation 28 May 2012

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During the 1990s, massacres such as Rwanda or Srebrenica - committed in the very presence of United Nations (UN) peacekeepers - spurred heated debates among civil society, scholars and policy makers. Opinions were divergent: how should the world react to mass atrocities committed within the borders of a sovereign state? As a result of these discussions, the International Commission on Intervention and State Sovereignty (ICISS) released a report in 2001 which attempted to define if, when and how governments or international organisations should intervene to protect the lives and dignity of people suffering harm caused by armed violence. The core message was that protecting its population is the duty of the sovereign state; the international "responsibility to protect", or R2P, is to be called upon only if the state is unwilling or unable to do so.

Over the years, the concept has been invoked in more than one situation to justify foreign military intervention by individual countries or groupings. Thus,

R2P

has essentially been associated with military action, which has given it a negative connotation and discredited it in many regions including Southeast Asia: the concept's application in practice has perhaps become its very Achilles' heel.

R2P

, however, does not primarily imply military action, which is only to be a last resort in case of genocide, war crimes, crimes against humanity or ethnic cleansing. Much more important are the non-coercive measures suggested by the ICISS, such as preventive diplomacy, mediation

or monitoring by third parties.

As a regional intergovernmental organisation, the Association of Southeast Asian Nations (Asean) certainly has a role to play. But is such involvement compatible with the institution's principles of non-interference, respect of state sovereignty and consensus? Has Asean, in the past 30 years, lived up to its

responsibility to protect

? And how would it react in the future if mass atrocities were committed in one of its member states? Some positive examples of Asean involvement in helping Southeast Asian populations recover from conflict and disaster are worth noting. In Cambodia throughout the 1980s, Asean played an influential role in the mediation process leading up to the 1991 Paris Peace Agreement. Nearly two decades later, after Cyclone Nargis struck parts of Myanmar in 2008, Asean managed to convince the regime to open its borders to international aid - though admittedly late. Still, the regional body's success in these two cases needs to be relativised. In the first case, neither Cambodia nor Vietnam was part of Asean at the time, which removed the sensitivities attached to interference in members' domestic affairs. Moreover, the final resolution of the conflict - deployment of a peacekeeping operation and organisation of elections - was the work of the UN.

(...) Where Asean took action in favour of Southeast Asian populations, as seen in Cambodia and after Nargis, its measures were non-coercive and the contexts were not strictly ones of **R2P**

. This was different in the case of East Timor, where the post-referendum violence of 1999 forced well over 200,000 people to flee their homes. While Asean had a

responsibility to protect

the East Timorese victims, it neither managed to discuss the issue in due time nor played a part in the subsequent peacekeeping operations, led instead by Australia and the UN. It was not until Indonesia asked for an Asian counterbalance that individual Asean members, notably Thailand and the Philippines, responded by taking up commanding roles within the peacekeeping force. In hindsight, Asean collectively should have acted by taking preventive or mediative

R2P

action. As in this case, the fear of angering a member state could again impede the organisation's response in similar situations in the future.

These limitations may be explained by Asean's institutional principles, rooted in the careful regional approach. It is thus relatively easy to understand why the Southeast Asian grouping would not be able to play a role comparable to that of the Arab League in the present context of Syria. Asean's consensus over majority rule, non-suspension of members, respect of internal cohesion and face saving are attributes to the organisation's strength as well as its weakness.

Given regional sensitivities, it is unrealistic (and perhaps inappropriate) to expect Asean to take

stronger measures, including the use of force, against member states accused of gross violations of international human rights or humanitarian law - more so as military intervention remains extremely controversial throughout the world. Even the less intrusive establishment of a peacekeeping force has not gained regional consensus so far. Asean does, however, have a more responsible role to play in the form of diplomatic efforts aimed at protecting populations from adverse conditions; in serious cases, even economic or political sanctions can be contemplated. The simple raising of sensitive issues among Asean leaders should no longer be considered as interference; in today's world where most problems do not respect national frontiers, the lives and dignity of the people must come first.

A change of thinking within Asean has already started. It can be nudged further if decision makers accept that state sovereignty is not a right, but rather a responsibility. Only then can one hope that they will dare to take stronger action to protect their region's populations - be it from the effects of armed conflict, environmental degradation or pervasive human rights abuse.

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