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# RSIS COMMENTARIES

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## **Responsibility to Protect: How should Southeast Asia Respond?**

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26 April 2010

*The emerging doctrine of Responsibility to Protect may have been endorsed by world leaders. But the primary challenge remains how to get it implemented. RtoP may mean different things to different states. There are fundamental issues that have yet to be fully reconciled.*

AS A NEW and fledgling doctrine in international relations, it is as contentious as it is, some say, revolutionary. This doctrine – the Responsibility to Protect (RtoP) -- may be slowly gaining traction, but it remains immensely controversial. This is at least the key message from a regional consultation held recently among scholars, analysts and civil society actors from the Asia Pacific region. The nub of the controversy is the inevitable clash between two principles: the sovereignty of states and the responsibility of the international community to protect human lives in situations of failing states.

### **Reconciling Clashing Principles**

How does one reconcile the two contesting principles? Can they indeed be reconciled? How does the international community come to the rescue of citizens whose own states are unable or unwilling to protect them from mass atrocities such as genocide, war crimes, ethnic cleansing and crimes against humanity? And how can this moral urge to protect be pursued without violating the principle of state sovereignty? This tension between the two doctrines in international affairs was intensely debated at the Singapore meeting, organised by Singapore's S. Rajaratnam School of International Studies. Led by the RSIS' Centre for Non-Traditional Security Studies (NTS), the meeting ended with one clear impression: it's early days yet for the doctrine of RtoP. It has a long way to go before it becomes as entrenched as the Westphalian principle of inviolable state sovereignty.

To be sure, world leaders have endorsed the doctrine at the 2005 World Summit of the United Nations. But the deep-seated attachment to the sanctified idea of sovereignty is still too strong for a warm embrace of RtoP: the fear of foreign interference in domestic affairs is overpowering. Indeed, it is

feared, RtoP may be used to justify interference in the guise of international humanitarian intervention. This was exactly the controversy arising from the Myanmar government's failure to come swiftly to aid its own people in the face of Cyclone Nargis. France felt provoked to urge the world community to invoke RtoP. But Indonesia, despite its new posture as a promoter of human rights, rejected linking humanitarian aid with RtoP. But if RtoP is not meant to include international humanitarian intervention, what is it? Where does RtoP begin and where does it end?

### **Evolution of RtoP**

RtoP as a doctrine began in 2001 when it was propounded by a group of international human rights advocates in the International Commission on Intervention and State Sovereignty (ICISS). It was led by Gareth Evans, the former Australian foreign minister, and Mohamed Sahnoun, special advisor to the UN Secretary General, Kofi Annan. In 2004, Annan created the High-Level Panel on Threats, Challenges and Change to identify major threats facing the international community and come up with new ideas to meet these challenges.

The panel then endorsed what it termed as the "emerging norm" -- the "responsibility to protect" people from "avoidable catastrophe", specifically the four types of mass atrocities mentioned earlier. This norm rests on three pillars: Firstly, sovereign governments have the primary responsibility to protect their own citizens from such catastrophes. Secondly, when these states are unable or unwilling to do so, that responsibility falls on the wider international community. Thirdly, intervention should be through peaceful diplomatic and humanitarian means, though military action may be undertaken as a last resort, if endorsed by the UN.

In 2005, at the UN's World Summit, 191 world leaders unanimously endorsed the RtoP doctrine. A year later, the UN Security Council included references to RtoP in two of its resolutions, thus reaffirming the emerging doctrine. And thus was laid the foundations for a new "global moral compact", as some called it.

The World Summit resolution notwithstanding, the fundamental tension between sovereignty and responsibility to protect remains a critical hurdle. Not surprisingly, Ban Ki Moon, Annan's successor as UN Secretary-General, tried to reconcile the seemingly irreconcilable in the clever phrase -- the "abiding principles of *responsible* sovereignty".

### **The Southeast Asian Context**

Despite the inherent tension, the Singapore consultation on RtoP ended with a consensus that the doctrine should not be precluded from the Southeast Asian region. But how? Two issues repeatedly emerged. Firstly, how to convince Southeast Asian states to adopt the three RtoP pillars as an integral package. For example, they may agree to the first pillar that underscores the state's responsibility to protect. But they may reject the third pillar that the international community has the equal responsibility to intervene in the event of failure by the state. Secondly, how to persuade Southeast Asian states to institutionalise the RtoP doctrine both at the national and ASEAN levels.

Unsurprisingly, the key impediment to RtoP in Southeast Asia is the fear of foreign interference. Southeast Asian states fear that RtoP would be taken as a licence to intervene in their domestic affairs. There is also the underlying fear of RtoP leading to 21<sup>st</sup> century neocolonialism -- a tool by the West to advance its economic agenda or even subjugate weak Asian states once again. There seems also the misguided notion that RtoP need not apply to Southeast Asia because crimes against humanity such as those that happened in Darfur, Rwanda and Bosnia, would not occur in this part of the world. But did Southeast Asia not live through the Killing Fields of the Khmer Rouge's Cambodia in the 1970s?

**Way Forward: Demystifying RtoP**

Going forward, RtoP needs to be demystified. The misconceptions should be immediately addressed to promote human security as a global public good and thus a policy priority. To achieve this, the RtoP doctrine itself has to be clarified almost endlessly, if necessary. Although RtoP is slowly gaining ground, it is far from having captured public imagination in Southeast Asia.

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