**Asia-Pacific Centre** for the
**Responsibility to Protect**

**Regional Workshop on Peacekeeping and Civilian Protection**
Jakarta, 11 June 2009

On 11 June 2009 the Asia Pacific Centre for the Responsibility to Protect participated in a regional workshop on Peacekeeping and Civilian Protection hosted by the Centre for Strategic & International Studies (Jakarta) in cooperation with The University of Sydney Centre for Peace and conflict Studies and Global Action to Prevent War. The one-day workshop comprised three main sessions:   (1) exploring the legal and philosophical issues surrounding the protection of civilians in Southeast Asia; (2) examining the norms, practices and mechanisms that hinder or facilitate conflict prevention and resolution in Southeast Asia; and (3) addressing the prospect for the UN and regional levels to create a standing, rapid-response peacekeeping capacity. The following is a brief report which highlights key ideas addressed in the workshop and in informal consultations with participants in relation to implementing the responsibility to protect in the Asia Pacific.

**The Responsibility to Protect and Southeast Asia**

As agreed by UN Member States at the UN's 2005 World Summit, the RtoP principle rests on three equally important and non-sequential 'pillars'.

First, the responsibility of the state to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement.

Second, the international community's duty to assist the state to fulfill its responsibility to protect.

Third, the international community's responsibility to take timely and decisive action, through peaceful diplomatic and humanitarian means and, if that fails, other more forceful means, in a manner consistent with Chapters VI (pacific measures), VII

(enforcement measures) and VIII (regional arrangements) of the UN Charter, in situations where a state is manifestly failing to protect its population from the four crimes.[1]

The workshop provided an opportunity for participants to consider the extent to which international standards for civilian protection, including RtoP, are in harmony with regional security needs and expectations. Representing the Asia-Pacific Centre for the Responsibility to Protect, the centre's Outreach Director, Sarah Teitt, noted that almost every government in the region has endorsed or acquiesced to R2P and can play a role in translating it from words to deeds both within the region and globally. To do so, however, they need to be granted ownership and a seat at the table. 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. It is important to pay attention to both the process by which R2P is moved forward—ensuring that it is both inclusive and devolved to regional actors as far as possible—and to specific policy proposals that emanate from the Asia-Pacific region.

In relation to how the principle should be conceptualised and applied, the Asia-Pacific Centre for the Responsibility to Protect raised five key points:

*1. RtoP 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. RtoP 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 RtoP should be predicated on cooperation and the consent of the state as far as possible. It should be emphasized that RtoP aims to <u>strengthen</u> state sovereignty and capacity and this should be met with practical assistance.*

*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 RtoP should be applied in a manner consistent with the principle of non-interference.*

**Regional Norms: Civilian Protection, Human Security and RtoP**

Dr. Mely Caballero-Anthony, Associate Professor at the S. Rajaratnam School of International Studies (RSIS) and head of the RSIS Centre for Non-Traditional Security Studies at Nanyang Technological University (Singapore) offered an overview of human

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[1] A/60/L.1, 20 September 2005, paras. 138-140. See Ban Ki-moon, *Implementing the Responsibility to Protect: Report of the Secretary-General*, A/63/677, 12 January 2009

security, wherein the primary challenge to policymakers is protecting people, rather than states, from critical and pervasive threats. Dr. Caballero-Anthony noted that human security is the framework which underpins the protection of civilians and prioritizes the specific security needs of, for example, child soldiers, women, IDPs and refugees.

Noting that POC primarily applies to situations of armed conflict and RtoP addresses only a very specific set of crimes and violations, participants questioned whether the narrow focus of civilian protection and RtoP adequately links to the broad range of threats associated with human security. One participant noted that human security has two faces: freedom from fear and freedom from want. As RtoP and civilian protection tend to focus on freedom from fear rather than freedom from want, it was argued that they are not a true reflection of human security. Participants also noted that RtoP advocates tend to overlook the insecurities of people in protracted conflicts, and asserted that RtoP is a term primarily applied to so-called 'crisis' situations. The link between human security, civilian protection and RtoP would be more credible, it was suggested, if RtoP proponents and stakeholders focused more attention on protracted conflicts and the conditions leading to widespread and systematic violence. In particular, there was a call for more emphasis on upstream preventive measures and specific recommendations for bolstering the state's capacity to protect its own civilians in line with upholding the state's primary responsibility to protect.

The overall tenor of the discussion centered on the belief that the RtoP is grounded in the international community's 'duty of care', and if this is to be taken seriously it must be an enduring duty manifested in long-term engagement with states under stress beyond sporadic public outcry and media coverage on crisis situations. Ambassador Wirjono Sastrohandojo, Former Permanent Representative of Indonesia to the United Nations, remarked that most of the time RtoP is used to justify the 'first world scrutinizing the third world'. Certain states and advocates use the term RtoP to lecture from a high pedestal, and they misinterpret the principle as a justification for intervening when it suits their interests or confronts their conscience. It was noted that in the view of 'third world' countries, sovereignty is the last defense against unwarranted interference and RtoP proponents must be sensitive to these concerns. Amb. Wirjono affirmed that some situations call for intervening on human rights issues, but suggested that concerned outside parties should acknowledge that any action taken is by nature intrusive and needs to be done by the right countries and the right people. To assuage concerns that RtoP is biased, reactionary and focused only on physical security through military deployment, participants reiterated the importance of preventive measures and development assistance. One participant also suggested there could be more emphasis on developing a rapid deployment capacity for civilian personnel parallel to efforts to build standby peacekeeping forces.

**Highlighting the ASEAN Charter**

Considering that all ten countries have negotiated the Charter, agreed to it, and accepted it as a starting point for future direction, the overwhelming majority of comments emphasized that efforts to implement RtoP will be most effective if understood in relation

to the Charter, and if policymakers, analysts and practitioners begin to think about how to responsibly uphold provisions in the Charter. Participants noted that although the 'ASEAN way' may shed some light on the nature of the organization, it has moved beyond this terminology and ASEAN must be understood as an evolutionary project. The Treaty of Amity and Cooperation was intended to exert efforts at 'good neighborliness' and embodied the first regional norms to settle conflict without threat or use of force. Although understanding this historical context is important, participants and panelists suggested that the starting point for understanding contemporary ASEAN relations should be the Charter. It was repeatedly stressed that as an advocacy tool it is much better to use the Charter—which emanates from the ASEAN community—than terms like RtoP, or advocates should make an effort to first relate RtoP to the Charter when broaching related topics. For example, one participant noted that RtoP rests on mutual responsibilities and Article 2 of the Charter refers to a 'shared commitment and collective responsibility'. It is important to emphasize these coherences, and to recognize the language and priorities set by regional leaders.

In terms of specific strategies to implement RtoP, former Secretary General of ASEAN Ambassador Ong Keng Yong (Director, Institute of Policy Studies, Lee Kuan Yew School of Public Policy, National University of Singapore) suggested that the most important question to ask is 'How can ASEAN respond in policy terms to RtoP? In answer to this, the primary focus should be on devising relevant policies to reconcile RtoP with ASEAN governments' stance on non-interference. In the ASEAN context, the best result will come from developing a rules-based regime that provides guidelines for (1) how ASEAN leaders and member states can make practical decisions based on those rules and (2) how the ASEAN Charter can provide a basic starting point and framework. Ambassador Ong noted, 'We can then begin to say that as part of our sovereign responsibility to the people in relation to the agreements we made in our Charter, action is required.' In response, participants agreed that there is a 'coalition of the willing' in ASEAN willing to advance RtoP, who will respond to an action-oriented framework and implement changes in decision making at a national level in line with it.

**Recognizing Ongoing Regional Initiatives**

In addition to highlighting the importance of framing advocacy in reference to the ASEAN Charter, participants stressed that the most effective way for advancing RtoP in the region is to recognise ongoing initiatives onto which protection strategies can be grafted. One such area repeatedly referred to was disaster relief management. Participants maintained that ASEAN has been compelled to come to terms with the need to manage disasters and protect civilians from disasters, and the transnational cooperation and coordination for disaster management can be applied (or actively moved) into building trust for broader issues. More specifically, Ambassador Ong Keng Yong pointed to the ASEAN Agreement on Disaster Management and Emergency Response as an indication that the organisation is evolving to respond to diverse threats to human security. Amb. Ong noted, 'The emergency response principles allow us to take it the next level beyond disaster management, because the basic principles of protecting civilians are already accepted by countries in this agreement. Nowhere in the agreement

on disaster management does is say that it can *only* be applied to disaster.' The question, Ong averred, is how can ASEAN leverage the desire to protect civilians and move forward on an RtoP-oriented agenda? It was suggested that using the terms of the West might be 'jarring to the ears in Southeast Asia, but resistance to apply an 'RtoP label' to regional initiatives does not mean that ASEAN is not developing processes and mechanisms to address civilian protection. Participants likewise pointed to the ASEAN Charter's dispute resolution mechanism and the ASEAN Security Community's provision for a humanitarian corridor in conflict[2] to suggest 'cracks in the façade of non-interference' and trace norms of future collective responsibility. As one participant framed it, ASEAN leaders have been grappling with how to address criticisms that it is 'just a fair weather organization that outsources 'real' problems'.

**Leveraging Regional Mechanisms and Capacities**

The ASEAN Regional Forum (ARF) was one regional body deemed to be relevant to implementing RtoP. Ambassador Wirjono presented on the role of the ARF for regional confidence building, preventive diplomacy and conflict resolution. The presentation highlighted that unlike the Organisation for Security and Co-operation in Europe which carries out discreet yet direct diplomacy, ARF is primarily a forum for dialogue. While in theory the close network of ASEAN policymakers provides a sound basis for direct preventative diplomacy, Amb. Wirjono maintained that it is predicated on private engagement which is prohibited by such a close network of stakeholders in the ARF. Wirjono maintained that the ARF concept paper of 1994 is no longer adequate as processes have not raised sufficient trust, and suggested that the region could learn from best practices in other regions to strengthen conflict management, such as developing an ARF equivalent to the High Commissioner on National Minorities with a Conflict Prevention Centre that supports all field operations. In light of this, participants suggested that region-to-region learning/training might strengthen the ARF and contribute to advancing RtoP.

The workshop also addressed prospects for enhancing regional peacekeeping arrangements. Participants noted that the ASEAN Security Community blueprint refers to enhancing cooperation between military centers in the region, but there have been limited initiatives to follow through on that in relation to peacekeeping training. Participants noted that given that there are multiple peacekeeping training capacities within ASEAN, it may make sense to develop core competency within each under the umbrella of a regional peacekeeping centre. One participant also noted that a standing capacity for rapid response could serve as a deterrent to bad behavior insofar as creating the architecture to respond with peacekeepers could serve to forestall the need to do so. There was some concern that defense systems are quite diverse in the region, which poses difficulties for streamlining peacekeeping efforts. Some suggestions centered on 'testing the water' by first linking peacekeeping training centers at the deputy level. Other participants suggested that an initial measure might be to explore options for non-violent arrangements similar to Canadian civilian peace service. Participants also offered

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[2] Referring to Annex for the ASEAN Security Community Plan of Action V.1(a&b).

suggestions for a rule of law standing capacity (civilian component) much like the police standing capacity.

**Avenues for future engagement**

Presentations on Indonesian peacekeeping arrangements drew attention to capacity gaps in training and deploying personnel, and delineated specific avenues for strengthening Indonesia's contribution to peacekeeping missions. The Indonesia Peacekeeping Training Centre was agreed upon in January 2007 and became operational in September 2007 to train staff and coordinate efforts between military, police and civilian components of peacekeeping missions. According to Letkol Rodon Pedrason, the training centre has prepared and sent around 1475 personnel per year since its inauguration. It was noted that the primary capacity gaps are language training and dedicated training on civil-military relations. This includes training on international humanitarian law, and developing a 'common language' such that the military and civilian components of peacekeeping missions can communicate more effectively.

Although their comments were not specifically responding to the capacity gaps for training Indonesian peacekeepers, participants from the ICRC in Malaysia highlighted ways in which organizations can leverage key competencies to help strengthen peacekeeping capacities. ICRC participants noted that special delegates in Malaysia are giving direct briefings to peacekeepers on international humanitarian law. Under ICRC training modules, peacekeepers are participating in military exercises prior to deployment that simulate complex humanitarian emergencies. The goal is to contextualize what upholding IHL will mean in the field and to provide peacekeepers with training on what actors, issues and problems they will face and how to make decisions and take appropriate actions to protect civilians in conflict environments. As the ICRC delegate put it, this is 'breathing life into IHL' for peacekeepers. Participants suggested that similar activities would be very valuable for Indonesian peacekeepers, particularly if the training program incorporated best practices and lessons learned from returning peacekeepers.

**Final Reflections**

The workshop ended with participants agreeing that many of the ideas discussed during the day pave the way to future collaborative initiatives at the national and regional levels. Speakers concluded that champions and advocates are needed to carry the momentum forward, but emphasized that efforts will be most effective if carried out in an ASEAN way that is 'not in your face' and is mindful of the cultural symbolism involved. For example, participants attested that discussions on RtoP cannot be divorced from what the state presenting the idea represents. In this respect, it is important to bring in regional perspectives to Australian-led initiatives and to focus on indigenous forms of conflict resolution and the role of local communities in peacemaking in addition to more formal mechanisms. Participants were quite optimistic about Indonesian and regional support

for implementing RtoP, and placed particular emphasis on the role of consultation and dialogue in developing strategies and pathways.

Program

**Opening Remarks from CSIS and Introduction about UNEPS Project**
- **Dr. Rizal Sukma**
  Executive Director of CSIS
- **Dr. Robert Zuber**
  Director of the UNEPS Initiative

**Session 1: Civilian Protection and Human Security**
Moderator: **Dr. Robert Zuber**
  Director of the UNEPS Initiative

Speakers:
- **Dr. Mely Caballero Anthony**
  Associate Professor and Head, Centre for NTS Studies
  Secretary-General, NTS-Asia, Nanyang Technological University, Singapore
- **Ms. Sarah Teitt**
  Outreach Director, Program Leader - China, Asia-Pacific Centre for the
  Responsibility to Protect, Australia

**Session 2: Regional Conflict Prevention/Resolution Strategies**
Moderator: **Amb. Ong Keng Yong**
  Director, Institute of Policy Studies, Lee Kuan Yew School of Public Policy, National
  University of Singapore
Speakers:
- **Amb. Wirjono Sastrohandojo**
  Former Indonesia's Permanent Rep. to the United Nations and Senior Fellow of CSIS
- **Dr. Jaime B. Naval**
  Asst. Professor, Dept. of Political Science, University of the Philippines, Diliman

**Session 3: Prospects for New Peacekeeping Capacities: Perspectives from the UN, Regional Organizations and States**
Moderator: **Prof. Dr. Dewi Fortuna Anwar**
  Deputy Chairman for Social Sciences and Humanities, LIPI
Speakers:
- **Mr. Fikry Cassidy**
  Deputy Director for Int. Security and Disarmament, Dept. of Foreign Affairs, Republic of Indonesia
- **Lt. Col. Rodon Pedrason, M.A**.,
  Head of Sub-Directorate for Analysis and Evaluation, Peacekeeping Centre, Indonesia National
  Defense Forces
- **Kavitha Suthathiraraj**
  International Coordinator, Global Action to Prevent War