



CBDS Commentaries merupakan analisis singkat terhadap isu-isu kontemporer dalam kajian diplomasi, bisnis, dan hubungan internasional yang memiliki relevansi dengan posisi dan peran Indonesia di dunia internasional. Pandangan yang ada di publikasi ini merupakan pandangan pribadi penulis dan bukan merupakan pandangan *Centre for Business and Diplomatic Studies*.

ASEAN Responsibility to Protect

Oleh: Mochammad Faisal Karim

Ethnic violence has been occurring in Myanmar between Muslim Rohingya and the junta-backed Rakhine community. According to UN report (July 2012), at least 650 ethnic Rohingya people have been killed, with 1,200 missing, and more than 80,000 people displaced. The exact number could be higher.

It is reported that the army and the police have played a leading role in the conflict, through mass arrests and arbitrary violence.

Until now, the government of Indonesia, the world's largest predominantly Muslim country, has not appeared to be actively engaged in resolving the problem. Within the country, voices from civil society have continued to call out to the government to play a greater role through ASEAN in addressing the humanitarian crisis in Myanmar. Furthermore, calls for Indonesia's initiative to end the Rohingya massacre have been voiced by lawmakers both from the Islamic and nationalist party.

Despite the domestic pressures, the Indonesian government looks reluctant to act further than expressing concern and urging a national consolidation in Myanmar. The government's reluctance to engage in this regard is a consequence of the non-intervention principle which is the core principle of ASEAN norms, as stipulated in the ASEAN Charter.

It is stated that ASEAN and its Member States shall act in accordance with, among others, a principle of non-interference in the internal affairs of other ASEAN member states.

Thus, the Rohingya massacre has put Indonesia in a dilemma. On the one hand, President Susilo Bambang Yudhoyono and his administration should abide by the non-interference principle of ASEAN. On the other hand, as the largest Muslim majority country, Indonesia has a moral obligation

to stop the Rohingya massacre.

Instead of just sitting idly by and watching herself get trapped in the dilemma, Indonesia actually has a chance to respond to the domestic pressure, while at the same time advance the ASEAN role in protecting human rights in Southeast Asia. Despite the non-interference principle which must be respected by the ASEAN member states, the ASEAN Charter also urges the member states to adhere to the principles of protecting of human rights.

Yet, each time the two principles collide, it is more likely that ASEAN will follow the non-interference principle rather than the human rights principle. Hence, the Rohingya massacre can be as an opportunity for Indonesia to voice the responsibility of the protection principle within ASEAN.

The principle of Responsibility to Protect (RtoP) was unanimously adopted by world leaders at the 2005 World Summit, including ASEAN member states. The RtoP principle urges the responsibility of the state to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. Moreover, in situations where a state has manifestly failed to protect its population, it is the international community's responsibility to assist the state to fulfill its responsibility to provide that protection.

Despite the adoption of the RtoP principle by ASEAN member states, there has been no significant breakthrough to discuss the principle within the ASEAN mechanism. Hence, Indonesian diplomacy could be aimed at advancing the discussion on enactment of the RtoP.

Strong leadership is the main requirement to make ASEAN an organization that adheres to human rights principles, and Indonesia could take the lead here.

One might argue that the RtoP principle could not be enacted within the ASEAN mechanism since many ASEAN member states have their own domestic problems regarding minorities. Moreover, for Indonesia, the RtoP principle could backfire since Indonesia has many ongoing perceived human rights violations in relation to minorities.

However, this hesitation should not occurring. The RtoP principle in fact could strengthen the ASEAN community in the global community of nations.

First, the RtoP should not be seen as the mechanism for ASEAN to interfere to its member states' domestic problems. Instead, the RtoP can be directed towards the mechanism of prevention. Second, the RtoP principle is a norm that has been adopted by the international community. Hence, ASEAN serves as a regional mechanism to implement the principle with due regard, and in the "ASEAN Way" so that the RtoP principle can be contextualized within ASEAN values.

As far as any other ASEAN member states are concerned, no ASEAN member states have expressed their objection to the RtoP principle. Therefore, it is a much less difficult task to convince ASEAN member states to agree to implement the RtoP principle. Moreover, ASEAN already has existing mechanisms, namely the ASEAN Regional Forum (ARF) and the ASEAN Intergovernmental Commission on Human Rights (AICHR), which deal with, and can be used as mechanisms, to implement the RtoP principle.

With mounting domestic pressure to resolve the ongoing issue in Myanmar, and constraint within the ASEAN Charter, Indonesia has the opportunity to make a diplomatic maneuver by bringing the RtoP principle to the table within ASEAN. The question is: How eager is the Indonesian government to take the lead in mainstreaming the RtoP principle within the ASEAN community?

Indeed, Indonesia's leadership in this matter would create a consequence for Indonesia, namely one where it would have to pay more attention to the human rights issues on the domestic front. However, it would not be an obstruction for Indonesia, as long as our aspiration for ASEAN to prevent similar atrocities in the future is greater than our fear of inability with respect to human rights issues domestically.

The writer is a lecturer at Department of International Relations, Binus University.

The article can be seen in the Jakarta Post <http://www.thejakartapost.com/news/2012/08/03/asean-responsibility-protect.html>