

Concept Paper

**Mainstreaming the Principle of Responsibility to Protect (RtoP)  
in Indonesia**

Lina A. Alexandra

The gradual shifting nature of conflict from inter-state conflicts to complex internal crisis where authorized governments are failing to protect their citizen's fundamental rights to live is one obvious reason why the principle of Responsibility to Protect (RtoP) was established. Series of humanitarian crisis, such as in Somalia (1993), Rwanda (1994), Sudan (2003) and Myanmar (ongoing) have demanded governments to take action to stop such horrible tragedies to happen in this so-called civilized world.

Looking at the experiences especially throughout 1990s, RtoP can hardly be separated from the controversial notion of "humanitarian intervention" – which invokes the 'right' of whosoever state to intervene in other's domestic sphere for the sake of humanitarian causes since the respected government is considered unable to provide its basic obligation to protect its own people, if not becoming the perpetrator of human rights violations itself.<sup>1</sup> The decision to introduce this principle as a "right" of one state to interfere in other state's domestic affairs has undoubtedly triggered harsh rejection from particular countries, including in Southeast Asia region. Those countries argue that there is always a possibility that humanitarian causes to be misused to justify certain unlawful political interests which violate state's sovereignty, especially in relations between major countries and smaller developing countries.

Since it was formally announced on December 2001 by the ICISS report, RtoP principle has been introduced to, at least, change the mindset of looking at this "special right to intervene".

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<sup>1</sup> Gareth Evans, "The Responsibility to Protect: An Idea Whose Time Has Come ...and Gone?", *International Relations*, Vol 22(3), 2008, p. 285.

“Responsibility” rather than “right” has been brought up as a new approach to understand such initiative. Sovereignty does not only involve right to govern, but more importantly requires responsibility of the respected government to protect the rights of its populations which make them citizens. In this respect, the international community has the responsibility to ensure that every state implement this fundamental obligation, and if any particular state is unable to do so, then the responsibility falls into the international community itself to act based on the universal right bestowed to every individual, especially the right to life. This responsibility does not only taking form in the use of force to terminate actions which considered as human rights violations. Rather, it comprises of a comprehensive elements: responsibility to prevent, to react and to rebuild. In this regard, the use of force is only one out of numbers of instruments to be utilized as part of invoking this responsibility.

In a certain extent, this effort of changing the mindset from invoking “right to intervene for humanitarian reason” into “responsibility to protect” has gained larger attention. At the 2005 World Summit, UN member states unanimously adopted the RtoP principle as the key principle of international affairs, which then reaffirmed again by the UN Security Council in 2006. Within the World Summit document, it is mentioned about the three important pillars that sustain the RtoP principle:

- 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 responsibility of international community to assist states to meet such obligations toward its own citizens;
- 3) The responsibility of UN member states to respond as authorized in Chapters VI (Pacific Settlement of Disputes), VII (Action with Respect to the Threats to Peace) and VIII (Regional Arrangements) of the UN Charter, if the respected state is “manifestly failing” to meet such obligation.

Despite of the action to adopt the document, states, particularly in Southeast Asia are still lingering from putting words into practice. One obvious case can be seen from the way countries in the region, which are bounded as ASEAN member states, have been very reluctant to invoke this responsibility to deal with Myanmar government. In early May 2008, due to the delayed response from the military junta, French Foreign Minister, Bernard Kouchner proposed to the UN Security Council to consider adopting a resolution under the RtoP principle in order to open access for humanitarian aids to help the victims of the Cyclone Nargis. Despite of the

pros and cons whether it is justified to expand the implementation of this principle to deal with crisis caused by natural disaster, the junta's persistence to block humanitarian agencies and assistance to enter the devastating country has shown an irresponsible government to protect its own people, not including the ongoing human rights violations in terms of political rights. One interesting thing to look at is actually the response from the neighbouring countries, particularly in this regard, Indonesia as the biggest country in the region which during the last six years has promoted human rights as one of the novel principles in ASEAN. The Indonesian government clearly rejected such idea, by saying that the humanitarian efforts might be politicized if the issue is brought to the UN Security Council under the RtoP principle.<sup>2</sup>

This concern over the implementation of RtoP, especially on when and under what conditions should it applies, was explicitly mentioned by the Indonesian President himself. In the speech to the UN General Assembly at the 2005 World Summit, President Susilo Bambang Yudhoyono stated that there is a need for consensus on this RtoP principle while force should only be used as a last resort.<sup>3</sup> Then, in the UN General Assembly meeting in 2006, Yudhoyono indicated the government's position in a clearer sense that the RtoP concept should be approached very carefully and its implementation should be done with extreme care and is based on mutual understanding, trust, respect and accountability of all parties.<sup>4</sup>

However, the government's view on the RtoP only occupies some part of the overall national position toward this principle. The other important element to include is the view from the larger civil society in Indonesia. From the general observation, civil society organisations (CSO) in Indonesia, particularly those who engage in human rights and conflict resolutions, mainly focusing on providing inputs to the government in various domestic cases, such as religious pluralism, State Secrecy Law, gross human rights violations in East Timor, and so on. In this regard, the CSOs seems to deal only with the first pillar of the RtoP which is to monitor the way the government actualize its responsibility to protect its own citizens.

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<sup>2</sup> 'Indonesia defends stance on UN role in Myanmar', *The Jakarta Post*, 15 May 2008

<sup>3</sup>2005 World Summit Excerpts  
[[www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=167](http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=167) -]

<sup>4</sup> A/60/PV.98, 7 September 2006, p. 19  
[<http://daccessdds.un.org/doc/UNDOC/GEN/N06/486/40/PDF/N0648640.pdf?OpenElement>]

This forthcoming project intend to investigate how the CSOs view the other pillars of the RtoP principle based on the document adopted at the 2005 World Summit. This is important since these two pillars entail the element of ‘justified’ intervention by external actors to ensure particular state to carry out its duty toward its own people, even up to the limit where force might be used as an emergency tool to protect lives, in case the respected government is proved to be unable to perform this task. Furthermore, the project expects to see certain gap between the views of the government and civil society in looking at RtoP principle, which then requires certain dialogue in order to bridge such gap.

This project is significant to te extent that it would complement the previous study done by The Asia-Pacific Centre for the Responsibility to Protect in January 2009 since this report covers the government’s perspective from each Southeast Asia countries (except Burma).<sup>5</sup> Basically, the project has three objectives, which are: 1) To explore the views from civil society organizations on the RtoP principle, and identify any differences or gap in understanding of the principle among government officials and CSOs; 2) To increase awareness on the concept among the civil society; 3) To provide a platform for interaction between civil society and government officials on the significance, implications and the way in which the principle should be implemented.

The targeted civil society are NGOs which are actively engaged in the promotion and protection of human rights, peacebuilding, conflict prevention and conflict resolution area; academics and experts in conflict resolutions based in various universities; and religious-based organizations activists. The targeted area will be in Jakarta, Bandung (West Java) and Yogyakarta (Central Java) where most of the NGOs and research institutes are based.

The main component in this project is research activity which will be conducted through documents analysis and field research (i.e. interviews) to gain direct opinions from various stakeholders as mentioned above. Then, as part of activities to raise public awareness about the RtoP principle, several workshops, both national and regional levels, and public discussions will be held. Policy briefs will be released as another instrument to increase public recognition toward the principle. The first policy brief will present the overview of the RtoP principle, the

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<sup>5</sup> ‘The Responsibility to Protect in Southeast Asia’, The Asia-Pacific Centre for the Responsibility to Protect ‘, 30 January 2009

meaning of the concept, its significance, and the challenges of the implementation. The second policy brief would cover several cases of the problems where the principle of RtoP might be applicable. The third volume then address the Indonesian government views on the RtoP, and a breif summary of the CSOs view of the principle based on the research report which will be released later. Before the final research report is published, there will a policy dialogue held with relevant officials.

Finally, there is a great hope that the result of this project will contribute to the enrichment of knowledge in conflict resolution area as well as to advance the RtoP principle for the creation of a better world to live in.