

ASEAN and Human Security: Adopting Responsibility to Protect (R2P) for Intra-state Conflict in Southeast Asia

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Abstract

This paper aims to discuss ASEAN's conflict resolution preference by employing the Responsibility to Protect (R2P) to prevent a number of casualties in intra-state conflict taking place in Southeast Asia.

Established by the United Nations in 2005, the Responsibility to Protect is immediate international community response to particularly save unarmed civilians from four crimes: genocide, war crime, crime against humanity and ethnic cleansing, which it is included into term of Mass Atrocity Crimes. R2P has three main ideas: 1) protecting population from genocide, war crime, crime against humanity and ethnic cleansing is responsibility of a state; 2) assisting the fulfillment of state's primary responsibility to protect becomes responsibility of the international community; 3) the state's failure to assure security of its people from four crimes allows the international community to coercively interfere, which is from economic sanction to military intervention. R2P has extensively developed treatments beyond merely security approach compared to the humanitarian interventions, which are 1) the responsibility to prevent, 2) the responsibility to react and 3) the responsibility to rebuild.

In Southeast Asia, human security problem remains high concerning state violence to minority groups, political injustice of power abuse and human rights issues of citizen. In this regard, most women and children have used to suffer from the intra-state crisis. Hence, ASEAN needs to take R2P into account to reduce large number of victims. Although peace talk is important instrument of peace process as implemented by ASEAN up to now, gradual intervention as mentioned in R2P treatments is more effective to ensure human security during the crisis. In addition, implementing R2P requires a serious commitment of ASEAN leaders to reconstruct a body of this association.

Keywords: ASEAN, Intra-state Conflict, Responsibility to Protect (R2P), Conflict Resolution

Introduction

ASEAN member countries which consist of ethnic diversity, religious plurality, economic and political disparity, not to mention multicultural heritage are likely to face quite similar problems in preventing and solving intra-state conflict (Surwandono & Ahmadi, 2011). Vertical and horizontal conflicts have frequently occurred in this region. The vertical conflict involves the ruler against its own people. Separatism and rebellion movements are part of this tension. Meanwhile, the horizontal conflict is a clash between two communities or groups within a state.

In addition, there is a probably combined type of conflict both the vertical and the horizontal conflict. In this regard, the ruler (government), which should be neutral as proposed by the liberal democracy idea turned out to support one or two groups that involved in the horizontal conflict due to particular interest or ideological aspect. For instance, the Indonesian government has seemingly needed more seriously to reconcile the conflict of majority militant Muslims (Sunni) confronting minority Shiite people in Madura island. Regardless underlying factor of the conflict, the government through its Islamic clerics council, which refers to the most Sunni Islamic prominent thinkers, believes that Shia is not part of Islam and suggests Muslims of Indonesia to be aware of it (Bilal, 2012). While the government tends to ignore the minority, this conflict becomes more complicated to solve and Shiite victims are increasingly threatened within their own country.

Otherwise, concerning the vertical conflict, there are number of pro-government groups that fight others opposing the government. For instance, the leftist rebellion movement represented by the communist party that had attempted to politically take over in Indonesia by 1948 and 1965 affects the combined conflict. Communist party is incompatible with the religious belief of Indonesian and it also overlooks the religions commonly recognized by the government. To maintain existence of religious life, more people help the government to demolish this rebellion. Unfortunately, armed counter rebellion actions have remained trouble in dealing with human rights.

The unsolved complexity of intra-state conflict leads to disadvantages for human security. Because the state is no longer able to guarantee safety of those who are particularly either victims or non-combatants, they may experience one of four crimes in warfare namely genocide, war crime, crime against humanity and ethnic cleansing. Children and women are considerably fragile from abuses and violence during the conflict such as human trafficking and sexual abuses as well as they have relied more frequently on foreign aids in fulfilling their basic needs of medicines, foods and clothes international agencies provide. However, this emergency response in delivering those aids depends on international financial availability allocated by either single or group of states, which associate with international organization. For instance, the longer Syrian crisis that is conflict between anti-government movements and the military continues, the smaller opportunity the victims access the limited UN's financial aid (Nugraha, 2013). As a result, it gradually grows famine, diseases, poverty and crime.

While intra-state conflict reduces significantly the level of citizen security, it emerges a new problem of which party will be responsible to secure and to protect over the state. It requires, in turn, humanitarian intervention of international society of a multinational force or a single state, which is authorized or not by the United Nations that depends on the veto rights of certain states' interest in the Security Council (Pattison, 2010). Although number of people have different arguments regarding the word of "responsibility", which reflects merely to the Western idea (Smillie, 2006), the just war or intervention is allowed in international relations as a conventional understanding of the United Nations Charter and customary international law (Shearer, 2007). A security assurance is the responsibility of a sovereign state for its citizen, while it may shift to the international community to protect the human rights from a state violence.

More international actors who lead Responsibility to Protect (R2P) mission in the conflicting regions are from the Western allies than the Eastern power because of advanced military devices, troops, not to mention much financial deposits. Meanwhile, only few of the East countries have achieved as economic, political and defense improvement as the West. As a result, having

implemented the R2P is not only rooted from a nature of humanitarian duty, but also initially to impose the national interest. For example, the USA had supplied weapons to Indonesian government in fighting the Communist Party of Indonesia (PKI) and also supported it to invade the East Timor island. Nevertheless, in 1999, the States also encouraged Indonesia to accept the referendum proposal for the island. Chomsky believes that what the USA and its allies had politically decided towards both the anti-communist policy of the Indonesian administration in 1965, Indonesian invasion in the East Timor in 1975 and the referendum for the East Timor people was the way to serve the USA corporates and its political elites (Stephen R. Shalom, 1999).

Indeed, ASEAN as a regional organization has potentialities to play a pivotal role of harmony and peace building rather than external actors. Santikajaya argues that the objectives of ASEAN as mentioned in its article 1 of the ASEAN Charter is to promote democracy, good governance, human rights and freedom. This indicates that unresolved intra-state, which can threaten regional and global stability, will become a common concern of ASEAN members (Santikajaya, 2012). Stated clearly in ASEAN's Treaty of Amity and Cooperation (TAC), ASEAN avoids force in resolving the conflict and considers peaceful means. There are basic principles that encourage ASEAN to reject force, which are "[n]on-interference in the internal affairs of one another", "settlement of differences and disputes by peaceful means" and "renunciation of the threat or use of force" (Hara, 2012).

On the other hand, according to Abad, ASEAN needs more proactive to prevent possible intra-state conflict. The principles of "settlement of differences and disputes by peaceful means" and "renunciation of the threat or use of force peaceful means of TAC are focused on inter-state conflict. Meanwhile, as said by Kofi Annan, the former of the UN Secretary-General, the world should involve for any violation of human rights because the goal of the UN is "[t]o protect human beings, not to protect those who abused them" (Jr., 2003). In this regard, humanitarian intervention is more permissible to stop violating human rights than to maintain national sovereignty. Therefore, to minimize fatalities in intra-state conflict in many countries in the region, ASEAN should consider to impose a new formula of the R2P as implemented by the UN.

To elaborate further discussion on the topic, this paper focuses on two purposes, which are: first is to examine why the UN proclaims that the R2P is a more effective way for intra-state resolution and human rights protection rather than the others and second is to describe and evaluate the conflict management regime of ASEAN.

R2P and The Protection of Human Security

Despite a debatable meaning of human security among scholars and governments, it is initially understood from the concept of human development introduced by the United Nations Development Program (UNDP). Concerning development, the reason why human security is strikingly aspect to involve, as clearly stated by Barbara Von Tigerstrom, is that coercive and asymmetric development cooperation leads to the global poverty rather than receding threat of the cold war (Tigerstrom, 2007).

Marxists emphasize that domination of the powerful state over other states appears because of strong dependency of the weaker states. They divide states into four categories. First is that a group of states with the most political, economic and military advanced become central of central compared to the others, for example the USA, the UK and Germany. Second is periphery of central state, which is the group of state with less political, economic and military improvement than the central of central such as Japan, South Korea, China and India. Third is the state of periphery, which has lower level of economy, politics and defense than periphery of central, for example Indonesia and Thailand. Fourth is the periphery of periphery, which is the poorest state.

According to Marxists, the periphery of central states serve the interest of the central and central states. Next, the periphery states provide resources for both the periphery of central states and the central of central states. After that, the poorest state, which is the periphery of periphery, should serve for the richer states of the central of central, the periphery of central as well as the periphery. Therefore, the central of central state is more benefits economically than its counterparts of the periphery. In addition, minority of elite classes of all the state level have collaborated each other and controlled strategic resources. Unfortunately, the elites of the central of central have advantages to direct policy

over the weaker elites of the periphery. This, as a result, is a factor threatening the working class living in most part of periphery states.

The elites are associated with political and economic institutions, which consist of policy makers and corporations. The liberalists argue that non-state actors such as Multi-National Corporations (MNCs) and Non-Governmental Organizations (NGOs) have played role in the international relations. The central of central state's foreign policy considers the economic interest of MNCs in the periphery states. Having principle of the realism, the superpower state may use its forces to support the MNCs. For example, the US utilitarian foreign policy in attacking Iraq in 2003 had both political and economic agendas: releasing the Iraqi people from the authoritarian regime of Saddam Hussein while at the same time try to gain more profits for big western oil industries by extensively exploring energy resources in the country as well (Juhasz, 2013).

Structural conflicts—between the elites and the working class—that took place within an undemocratic or transitional democratic state will be worse and worse. The regime coercively responds over the opposition movements by deploying the armed forces to fight. Many people might have been killed, terrible injured or exiled in conflicting to the elites. For instance, current crisis in Syria that involved the oppositions and the government of Bashar al-Assad shows clearly how violence can be terribly happen. The same case of clash also occurred in Egypt between the members of Muslim Brotherhood who support the former president Mohamad Mursi and the Egypt military forces. Nowadays, having invented new technology of the Weapon of Mass Destruction reduces duration in war. Although chemical, biological, nuclear and cluster bombs are prohibited, none can directly oversee those weapons are launched by particular parties in conflict. Thus, modern war will lead to a serious challenge for human security.

Scholars and governments believe that human security covers broad aspect of human life, while the others maintain that its scope is narrow. Barbara (2007) says that human security has two main dimensions: 1) “freedom from fear” and 2) “freedom from want”. She thinks that the dimensions are closely related to seven areas: economic, food, health, environmental, personal, community and political. She writes,

“[E]conomic security means having an ‘assured basic income’, either from work or ‘in the last resort from some publicly financed safety net’. Food security requires access to ‘basic food’, including both physical access and economic access, which is linked to economic security. The report does not define health security, but reviews the most important and especially preventable causes of death in different populations, many of which are linked to economic or environmental insecurity. Threats to environmental security include degradation of local ecosystems, water scarcity, lack of safe sanitation, desertification, severe air pollution, nuclear or chemical accidents, and natural disasters. Personal security means security from physical violence of many forms, including torture, war, violent crime, or gender-based violence. The community dimension is included because of the security that people derive from group membership, although it is noted that communities may also threaten people through oppressive group practices. Community security is threatened by ‘modernization’, ethnic conflict, and the treatment of indigenous populations. Finally, political security or protection from state repression is identified as one of the most important aspects of human security” (Tigerstrom B. v., 2007).

Meanwhile, Barbara (2007) maintains that Canadian government prefers a narrow mean of human security by focusing on protection of physical violence rather than a structural violence. By contrast, Japanese government criticizes the narrow understanding of human security. It argues that “freedom from want” is also critical due to survival and dignity of human being. Therefore, this government perceives that human security does not only protect human being in a conflict situation, but also protect lives, livelihoods and dignity of individuals. The Commission on Human Security agrees to state human security in broad perspective. This commission identifies many challenges of human security such as disease, pollution, deprivation, not to mention physical violence.

In terms of narrow understanding of human security, the absence of Responsibility to Protect (R2P) resulted to number of victims. For example, 800,000 Tutsis and moderate Hutus were killed of systematic genocidal campaign in Rwanda, 1994. Then, 8,000 inhabitants were massacred in Bosnia during 1995. On the other hand, the North Atlantic Treaty Organization (NATO) bombing the formal Federal Republic of Yugoslavia to protect the ethnic-cleansing-threatened Albanian population in Kosovo violated the international

law because the Security Council of the United Nations did not legalize military intervention (Budescu, 2011).

In 1999 Kofi Annan provoked all member states to stop what Budescu (2011) writes as “another Rwanda”. Those members agreed to authorize military intervention to minimize the victims. This, finally, led to establishment of the Responsibility to Protect as a prescription to end the conflict and save civilians. The notion of responsibility is closely linked to sovereignty of a state, which is a duty to protect its civilian in facing avoidable catastrophe. If state were unsuccessful in providing public safety, its responsibility to protect would shift to the international societies (Khong, 2006). International responsibility to protect in particular condition has three aspects: responsibility to prevent, to react (military action) as well as to rebuild (Khong, 2006; Budescu, 2011).

In addition, the notion of R2P, which was endorsed in 2005, is essentially developed from four important documents: the report of the International Commission on Intervention and Sovereignty (ICIS), the report on High-Level Panel on Threats, Challenges and Change, the UN Secretary-General Kofi Annan’s report “In Larger Freedom” and finally paragraphs 138 and 139 of WSO Document, in which the UN General Assembly officially issued the concept of R2P (Man, 2012).

Responsibility to Prevent, according to the ICIS, the man-made disasters are primary responsibility of a sovereign state and international community to resolve. Therefore, a sovereign state and international agencies are necessary to prevent any conflict possibilities by ensuring justice in distribution of resources, implementing good governance not to mention promoting social and economic development (Sovereignty, 2001). Prevention couldnot be effectively applied without what the ICIS (2001) calls for early warning and analysis of deadly conflict as conducted by International Crisis Group (ICG), Amnesty International (AI) as well as Human Rights Watch (HRW). Those organizations’ reports have warned states and global governance on such conflict violating human rights and leading to genocide, ethnic cleansing, and war crime against humanity.

Conflict escalates because of several the roots of problem: poverty, political repression and unfair distribution of resources. These roots can be anticipated by economic, institutional and legal prescription. Economic

difficulties require external assistance and cooperation to obtain international market, to promote economic growth and opportunity and to reform regulatory instruments and institutions. Meanwhile, political prescription involves capacity building, constitutional power sharing and strong civil society. Then, legal perspective suggests to restore law enforcement, to protect the integrity and independence of the judiciary, as well as to enhance protection for vulnerable groups such as minority, children and women (Sovereignty, 2001).

Similarly, the ways states and international communities employ responsibility to prevent are political or diplomatic, economic and legal. Diplomatic prevention has positive and negative attempts. The first is direct involvement of the United Nations in dealing with mediation, dialogue, sending fact-finding mission and problem solving workshop. On the other hand, the second includes, as maintained by the ICIS, political sanction, diplomatic isolation, suspension of organization membership and embargo. Economic prevention has also advantages and disadvantages. The advantage of this prevention employs financial assistance and direct investment including peace building project, while its drawbacks are capital rush and financial sanction. The last one is law perspective, which uses arbitration, mediation and adjudication—“[t]hough in cases of domestic dispute these options may not be readily available or acceptable to all parties” (Sovereignty, 2001).

Responsibility to React is the second alternative to overcome such condition that responsibility to prevent fails to implement because of states' unwillingness to peace settlement. This needs broader community to coercive politically, economically and judicially interfere and military action for extreme condition (Sovereignty, 2001). Military intervention that the international community decides is the final endeavor. According to ICIS (2001), force use in protecting civilians is an extraordinary mean of non-intervention principle that is generally accepted. External interference affects domestic political instability and state's order. However, this intervention is justified for maintaining a global order in which the international community should react to a state where its order has broken because of civil war or repression. The reaction emerges to save the civilians who are threatened with massacre, genocide and ethnic cleansing on a large scale (Sovereignty, 2001).

The ICIS (2001) recommends six requirements to conduct the intervention, which are 1) right authority of who will legally execute to the mission, 2) just cause of objective factors to interference, 3) right intention of a merely human security purpose, 4) last resort of possibly working resolution, 5) proportional means and 6) reasonable prospects. What causes justify this intervention are

- 1) [l]arge scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or
- 2) [l]arge scale “ethnic cleansing,” actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape (Sovereignty, 2001).

Due to sensitivity of the intervention, all parties involving in this intervention mission should prioritize the “right intension”, which is the protection of human suffering. To control this intention, the mission has to collectively be completed by the multi-national forces and authorized by the UN Security Council. The ICIS states this mission as the last resort because it should be an emergency treatment, which is more effective than others. As a “short-time therapy”, this mission should be proportional, which has limited scale, duration and intensity. Its primary objective is to secure civilians. What reasonable prospects mean is that the mission ensures successful achievement to halt atrocities (Sovereignty, 2001).

The impact of conflict that can be explicitly identified is loss of lives and public facilities. In terms of public facilities as well as both formal and social finstitutions, the concept of the R2P will resolve those problems through the responsibility to rebuild. The third part of the responsibility to protect may elevate economic cooperation and internal reconciliation. Obviously, local people will receive financial aid or economic package from donors to reconstruct infrastructures, community empowerment and public services. It also provides more opportunity to reconcile between two former conflicting parties in jointly reconstructing the conflict area post-intervention (Sovereignty, 2001).

Policy makers have faced three significant problems in dealing with responsibility to rebuild: security, justice and economic development. Security issues consist of disarmament, demobilization and reintegration. The most

difficult and the longest rebuilding mission is reintegration of people. Rebuilding new armed forces and police are also complicated problems. Justice becomes as paramount issues as security. The ICIS (2001) maintains that many non-governmental bodies have developed and offered “justice packages”, which is the template along with peace building strategy before establishment of local institution. Post-intervention should encourage people in recreation market, sustainable development and economic growth. Several people recognize that economic restoration reflects overall recovery of the state.

ASEAN: Model of Conflict Resolution and Intra-State Conflict

The first regional organization in the Southeast Asia region is SEATO (Southeast Treaty Organization). This association was founded by the United States to prevent and fight against the spread of communism in the region. The organization was not the initiative of member states, whereas it was the form of alliance. In 1961, Malaysia, the Philippines and Thailand have endorsed the new organization namely Association of Southeast Asia (ASA). This party has no longer sustained because of bilateral conflict (conflict between the Philippines and Malaysia over Sabah district). The conflict, then, emerged multilateral cooperation among three member countries of Malaysia, the Philippines and Indonesia to establish the Maphilindo organization. Indonesia that was disappointed to the developing a nation-state of Malaysia had discontinued the cooperation (Nuraeni S, 2010).

In 1967, five Southeast Asian foreign ministers: Adam Malik (Indonesia), Tun Abdul Razak (Malaysia), Thanat Khoman (Thailand), Rajaratnam (Singapore) and Narciso Ramos (the Philippines) signed the Bangkok Declaration to establish Association of South East Asian Nations (ASEAN), which has aimed to enhance regional cooperation in economic, social, technical and cultural matters. In Treaty of Amity and Cooperation (TAC) signed in 1976, ASEAN members constituted a set of fundamental principles to sustain the cooperation. In Article 2, ASEAN anticipates possible inter-state conflict and its resolution by respecting sovereignty, independence, territorial and identity integrity. ASEAN also rejects all any interferences in the internal affairs of one another. Differences and disputes among members of ASEAN will be negotiated

through peaceful means (ASEAN; Nuraeni S, 2010).

The treaty has paid inter-state conflict more attention than intra-state conflict. It is because the members believe that the intra-state conflict is part of internal affairs in which all member states should not interfere. In 1960s, however, Soekarno as the former president of Indonesia had attempted to intervene in establishing the state of Malaysia. According to his view, British had been main actor behind establishment of the neighbour country in 1963, while people of Sabah and Sarawak did not recognize that plan. He contends that this agenda is part of the colonialist means to instill its interest in the region. Therefore, only few Malay people recognize that plan and involved to decide the new state.

The reason why Soekarno interfere in Malaysian affairs is motivated by the preamble of Indonesian state constitution, which independence is the rights of all nations; hence all forms of colonialism and imperialism against humanity and justice to particular nations in the world should be eliminated. His genuine idea to create peace and political stability in the world can be generally accepted, nevertheless the way how he intervenes is questionable. It has more seemingly appeared inter-state confrontation between Malaysia and Indonesia than the intra-state difference of between the people living in Sarawak as well as Sabah and the elites backed by British (Srijanto, 2010).

The treaty emphasizes briefly mechanism of conflict resolution among the state members. It does not clearly mention whether political or legal disputes requires peaceful means to resolve. In Article 13, it focuses more on the armed conflict among members than others. According to Hilton, in 1970s, Vietnam war would lead to another conflict with its closest neighbor, Thailand. The treaty states that the conflicting parties “[s]hall refrain from the threat or use force and shall at all times settle such disputes among themselves through friendly negotiations” and it also employs other diplomatic ways to negotiate such as mediation, conciliation and investigation. If peaceful endeavors fails to achieve, the treaty allows each members to send its representative in the High Council, which considers the best approach to solve the conflict (Putra & Aqimuddin, 2011).

Nowadays, intra-state conflict phenomenon is internal security problem

of a state affecting regional political stability. For instance, the Arab Spring was spread from Tunisia to Egypt and Syria. Domestic political crisis in Tunisia influenced security in several states the Middle East region. In Southeast Asia, intra-state conflicts between separatist and the government has also taken place in ASEAN members such as Indonesia (the Free Aceh Movement), the Philippines (the Moro Islamic Liberation Front and the Moro National Liberation Front) and Thailand (the National Liberation Front of Patani). During those conflict, the government committed mass atrocity crimes.

International agencies have reportedly provided evidence, which has showed state terror to its innocent people. Amnesty International (2013) noticed that between 10,000 and 30,000 people were killed by members of security forces during the Aceh crisis. The southern Thailand conflict between insurgents and Thai government, as recorded by Amnesty International (2011), killed about 5,000 civilians and more were injured of torture and another crime against humanity. Meanwhile, conflict in Mindanao of the Philippines has remained serious trouble for women living in the conflict area. The IRIN (2013), agency for humanitarian news and analysis, describes how difficult displacement women of 3,000 people live in refugees camp. They suffer from clean water and lack of gender's specific needs. Another problem is that number of died pregnant women is high, lactating mother have no privacy and they cannot economically earn much money.

TAC has not noticeably separated the suitable problem solving between inter-state conflict and intra-state conflict. What conflict TAC regulates is more addressed to inter-state conflict. Unlike those who believe that coercive armed forces can contribute to the resolution by a military victory (Schellenberg, 1996), TAC prefers peaceful means to any conflicts. Compared to various peace talks, military intervention is costly. The USA operation in Iraq, 2003, as reported by the *usatoday*, spent at least \$806 billion (Nowicki, 2013). Meanwhile, the USA needs \$7 billion to withdraw its troops from Afghanistan (Ratnam, 2013).

On the other hand, relying merely on peace talks in conflict resolution does not comprehensively protect civilians from mass atrocities. It relates to genocide, war crimes, ethnic cleansing and crimes against humanity (Evans, 2008). Evans (2008) defines genocide as “[a]cts committed with intent to

destroy, in whole or in part, a national, ethnical, racial or religious group". Meanwhile, "crimes against humanity" is broader than genocides and ethnic cleansing, which is crimes committed in wartime and armed conflict within a sovereign state. Ethnic cleansing, according to Evans, can be applied in many ways such as outright killing, expulsion, terror and rape (Evans, 2008). Series of mass atrocities in Rwanda, Darfur, Libya and Cambodia are inevitably evidences of vulnerable human security in intra-state conflict.

The problem is who will ensure civilians' human rights that protected by the declaration of the UN in intra-state conflict of the Southeast Asia. None ASEAN member states has the ability to politically assist the people living in the southern Thailand whom the ultra-nationalist Thai government imposes injustice policy. Although several member states were successful in mediating the Mindanao crisis, the further problem is who will rebuild of both national integration and infrastructures that have been damaged during the conflict. Meanwhile, in Indonesia, Aceh crisis was successfully negotiated between the government and the separatist movement. However, this peaceful condition needs to be preserved by providing political and economic access. Otherwise, separatism that is supported by the international actors will become a new independence state. In addition, intra-state conflict in Southeast Asia is a latent conflict and it will be manifest if the authority has minimum attention.

ASEAN needs to consider the Responsibility to Protect in minimizing casualties due to intra-state conflict. By adopting this concept from the United Nations, ASEAN surely can amend its Treaty of Amity and Cooperation. No doubt that this breakthrough policy will be debated by many states in the region, yet it will be much more effective in protecting civilians. ASEAN paradigm of conflict resolution should not only stop fighting among conflicting parties, but also protecting human security. Recently, according to Awidya Santikajaya (2012), ASEAN leaders is likely to inaugurate the ASEAN Institute for Peace and Reconciliation (AIPR) to manage intra-state conflict. Managing intra-state conflict in ASEAN requires a new mechanism of conflict resolution, which the ASEAN leaders should arrange a revised treaty to replace the previous one.

Conclusion

Intra-state conflict is more complicated to solve than cross-border conflict because of jurisdiction and sovereignty constrain. Treaties of preventing inter-state conflict prohibit a state to invade other state's sovereignty and internal affairs. Therefore, a conflict taking place within a state will be recognized as the internal affairs, which is not allowed to interfere. The problem is who will be responsible to protect civilians from mass atrocities of intra-state conflict.

The United Nations introduces the concept of Responsibility to Protect, which contains of three responsibilities: 1) responsibility to prevent, 2) responsibility to react and 3) responsibility to rebuild. Those responsibilities are aimed at protecting civilians from possible mass atrocities. In intra-state conflict as seen in Rwanda, Kosovo, Cambodia and Sudan, a number of victims are from unarmed civilians of children and women. Therefore, the Responsibility to Protect allows the multi-national power to take part in comprehensive mission of humanitarian intervention including use of force.

The concept is relatively new for ASEAN members who believe non-interference principle as clearly mentioned in the Treaty of Amity and Cooperation (TAC). This treaty is effective to prevent inter-state conflict among members, while ASEAN has no instrument to immediately respond in dealing with intra-state conflict threatening human security. Hence, it is important to reconstruct a new treaty of ASEAN by adopting the Responsibility to Protect that assures human security.

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