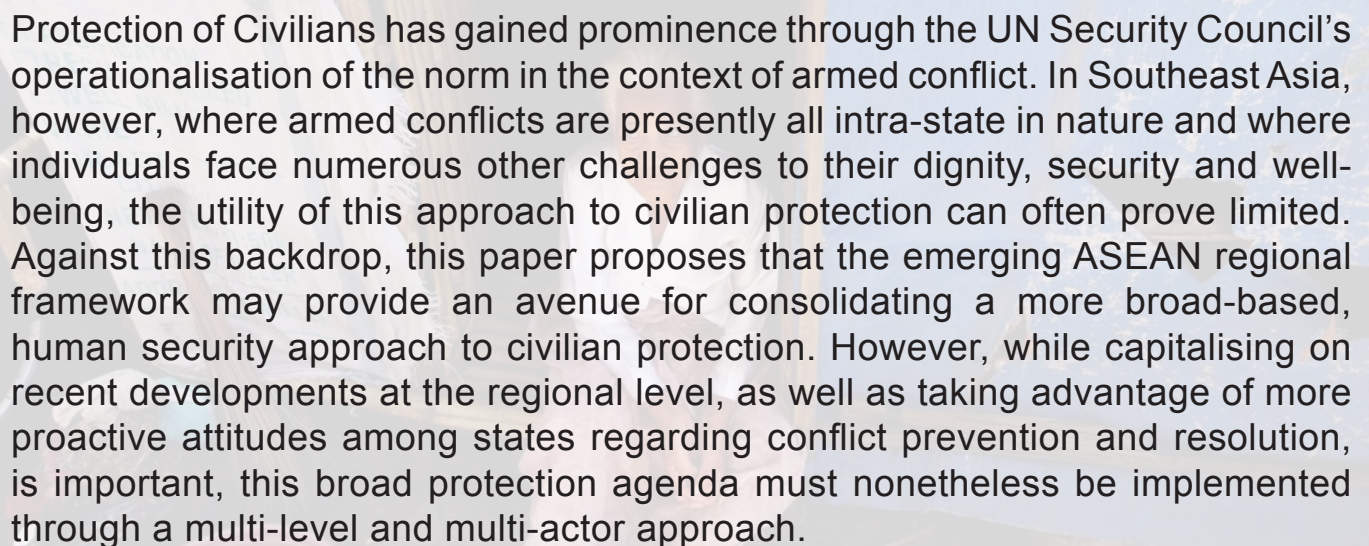# NTS PERSPECTIVES

Developing a 'Protection of Civilians' Agenda for Southeast Asia

by Mely Caballero-Anthony

Protection of Civilians has gained prominence through the UN Security Council's operationalisation of the norm in the context of armed conflict. In Southeast Asia, however, where armed conflicts are presently all intra-state in nature and where individuals face numerous other challenges to their dignity, security and well-being, the utility of this approach to civilian protection can often prove limited. Against this backdrop, this paper proposes that the emerging ASEAN regional framework may provide an avenue for consolidating a more broad-based, human security approach to civilian protection. However, while capitalising on recent developments at the regional level, as well as taking advantage of more proactive attitudes among states regarding conflict prevention and resolution, is important, this broad protection agenda must nonetheless be implemented through a multi-level and multi-actor approach.

Contents

Executive Summary

Overview

The notion of Protection of Civilians in Armed Conflict (POC) has gained traction over the past decade as a result of its inclusion in the UN agenda, specifically its emergence within the UNSC as a core concern of UN peacekeeping and peace operations. However, the more legalistic, restricted notion of POC as reflected in the UNSC proceedings is insufficient for addressing the broad range of internal security challenges and the protection needs of individuals and communities in Southeast Asia.

This paper proceeds on the argument that a broad-based, human security approach to civilian protection could be a way for the region to identify and advance its people's most fundamental protection needs. This could leverage off the increasing traction of people-centred concepts, including those of human rights and human security, among actors within Southeast Asia, albeit to varying degrees at different track levels. ASEAN's emerging regional infrastructure – comprised of the ASEAN Political-Security Community (APSC), the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) – has a decisive role to play, in a sense acting as a link and intermediary between the international and the local arena. These bodies have the potential to encourage the development of norms that could engender a more proactive role in civilian protection by state and non-state actors. Thus, the role of the state, civil society, non-governmental organisations and private sector entities, among others, will be crucial in promoting, advancing and implementing this broad civilian protection agenda in the region.

Discussion

Individuals and communities in Southeast Asia face numerous challenges to their security, from

situations of armed conflict, ethnic and religious communal violence, one-sided violence, internal displacement, entrenched human rights abuses and the marginalisation of minorities. Against this background, the notion of human security could provide an entry point through which ASEAN's evolving infrastructure could help to engender a regional framework for the protection of civilians in Southeast Asia.

Although this might seem like an overly ambitious premise for a region in which state-centric security analyses – encompassing a strong adherence to a traditional conceptualisation of state sovereignty and the corollary right of states to manage their internal affairs free from interference – have long prevailed, human rights and human security have been gaining traction in the region since the 1990s, particularly in the context of the non-traditional security (NTS) challenges that have been increasingly confronting states in the region (for elaboration on the characteristics of NTS issues in Asia, refer to Caballero-Anthony et al. (2006) and Acharya et al. (2006)). As a result of these challenges, awareness on the part of states of the link between human and state security has seemingly increased.

The authority of the UN to respond to the protection needs of civilians caught up in situations of armed conflict is a critical pillar of the global framework for protection. ASEAN states can play an important role in bolstering this capacity, for instance, through enhancing their civilian contributions to multidimensional peace operations, thus assisting in better accounting and preparation for the needs of communities emerging from conflict.

At the same time, the consolidation of a human security approach to civilian protection in the region would essentially entail more proactive involvement emphasising preventive measures. In addition to requiring the active engagement of various parties – state and non-state actors – in conflict prevention and post-conflict reconstruction, this approach would also necessitate responses to human rights violations. Such an approach would, in theory, fit well with the region's preference for preventive

action and its expressed support for capacity building measures to assist states to fulfil their responsibilities to protect their populations.

If the literature on the causal relationship between human rights violations and violent conflict is taken as a reference point, a human security approach to civilian protection would go a long way towards building more secure societies in the region, with less pronounced inequalities, injustices and fault lines, and with these less likely to escalate into conflict.

Recommendations

- Armed conflicts are not the only basis for a 'protection of civilians' agenda. The region's conceptualisation of the norm should go beyond the traditional notion of POC.

- A meaningful protection of civilians agenda for Southeast Asia should incorporate a more broad-based approach that addresses the protection concerns of individuals and communities that emerge from intra-state armed conflict, political violence, one-sided violence, ethnic and religious communal violence and internal displacement, often the result of human rights violations.

- The human security framework represents an entry point for promoting a comprehensive protection of civilians approach. It also presents an opportunity to advance a more proactive and preventive approach to civilian protection.

- Regional institutions such as the AICHR and the ACWC represent potential vehicles for advancing a regional protection of civilians agenda. The APSC is another regional initiative that has bolstered ASEAN's efforts to address new security challenges, particularly through promoting norm-building.

- Multi-actor and multi-level engagement is necessary to support and complement regional institutions' efforts in advancing a protection of civilians agenda. At the national level, human rights bodies, civil society organisations, the private sector and even non-state armed groups all have a role to play in implementing and advancing the civilian protection agenda.

Introduction

While inter-state tensions are now relatively rare among Southeast Asian states, there is a renewed need for all levels of governance – regional, national and local – to develop the will and capacity to respond to the specific protection needs of populations caught up in intra-state violence. To this end, this paper is concerned with advancing a 'protection of civilians' agenda for Southeast Asia.

The notion of Protection of Civilians in Armed Conflict (POC) gained prominence through its incorporation into the UN Security Council's (UNSC) agenda from the late 1990s. However, the prevailing operationalisation of POC through the UNSC and other UN entities is limited in that it relates to situations of armed conflict, reflecting its grounding in international humanitarian law (IHL). Furthermore, although contemporary UN peace operations increasingly integrate the protection of civilians into their mandates, and even incorporate broad-based structural reform towards this end, they nonetheless reflect a largely reactive approach.

In view of the range of threats to their safety and well-being that individuals and communities face in Southeast Asia, both in times of conflict and 'peace', including threats which may serve as either precursors to violence, or those which persist once the visible signs of conflict have subsided, a more comprehensive human security approach to civilian protection is required. Taking a human security perspective – particularly one focused on human rights violations – as the departure point, rather than the presence of armed conflict, entails a more proactive approach, and would lead to a greater balance between prevention and response. It also opens up greater space for actors at all levels of governance to contribute to this broader protection agenda through their engagement in capacity building and other preventive strategies.

Although a comprehensive civilian protection agenda might seem like an ambitious premise for the region, human rights and human security are no longer the contentious issues they once were in Southeast Asia. In addition to the international normative framework already being in place – comprised of IHL, international human rights law (IHRL), general international law and the Responsibility to Protect (RtoP) principle – recent initiatives at the regional level, such as the ASEAN Political-Security Community (APSC), the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) suggest that ASEAN is not only increasingly shaping itself in conformity with universal standards, but that it is looking to take a more proactive approach to human rights promotion as well as conflict prevention and resolution in the region.

In one sense, ASEAN's emerging regional framework can be seen to act as an intermediary between the global and the local, by drawing on universally agreed standards and practice and internalising these principles in the region in the context of its specific protection concerns. However, while a regional framework for civilian protection is critical, the agenda will ultimately need to be mainstreamed into all levels of governance, including the state level, and right down to the local, grassroots level, and incorporating states, civil society, non-governmental organisations (NGOs), private sector entities, and even non-state armed groups (NSAGs). Here, the regional framework – particularly the AICHR as the overarching human rights body – can play an important role in norm development, as well as in practical aspects such as sharing of best practices and acting as a focal point for bringing various stakeholders together to engage in training and other collaborations.

Essentially, this NTS Perspectives advocates the regional institutional framework adopting a comprehensive civilian protection agenda, and operationalising the agenda on the ground by engendering a multi-actor and multi-level approach to the protection of civilians.

Mae La Refugee Camp, Thailand, 2007.

Why Protection of Civilians?

In 2009, Asia recorded seven major armed conflicts, leading to the region being identified as the area with the highest number of armed conflicts for the seventh consecutive year (SIPRI, 2010:62). Between 2000 and 2009, Asia was home to nine major armed conflicts, with the only inter-state armed conflict being that between India and Pakistan (SIPRI, 2010:63). In Southeast Asia, all conflicts are currently intra-state in nature, with the Philippines, Thailand and Indonesia representing some of the countries facing continuing tensions with internal armed opposition groups. The human consequences of conflict in the region have been severe. According to the 2009 Chart of Conflict (IISS, 2009), in Aceh, the conflict between GAM (Gerakan Aceh Merdeka, or the Free Aceh Movement) and the Indonesian government between 1989 and 2005 cost the lives of around 11,000 people; the overall death toll between the mid-1970s and 2005 is believed to be 15,000, most of them civilians. In Mindanao in the southern Philippines, conflict between separatist insurgents and the central government has caused the deaths of an estimated 73,000 people since 1984. In southern Thailand, the death toll resulting from the internal conflict there between 2004 and mid-2008 reached 3,000 people, most of whom were also civilians.

Beyond 'armed conflict', in recent years, the larger Asian region has also seen the highest number of campaigns of one-sided violence, albeit most of them in South Asia, specifically Afghanistan (Stepanova, 2009:44; this is drawn from the Human Security Report Project). One-sided violence is defined as the intentional use of armed force against civilians by a government or formally organised group that results in at least 25 deaths in a calendar year (Stepanova, 2009:39–40; this is the definition used by the Uppsala Conflict Data Program, or UCDP). Such violence is not armed conflict as such – although it does typically occur in the context of armed conflict – as it directly and intentionally targets civilians who cannot defend themselves with arms. It is also distinct from battle-related violence that causes incidental harm to civilians, for example, when civilians are caught in crossfire between combatants, as well as from purely criminal

violence (Stepanova, 2009:40). In the Philippines, both Muslim and Communist rebels have utilised one-sided violence as a tactic in their long-standing struggles with the state. Indonesia is also identified as having experienced one-sided violence perpetrated by the government (in the context of various intra-state conflicts), Jemaah Islamiyah and GAM since 1989 (UCDP, 2010).

Apart from the more visible cases of violence, a gamut of other human security concerns affect communities and vulnerable groups, both in times of conflict and 'peace'. There is a high prevalence of sexual and gender-based violence in armed conflict in the region; some of this violence occurs as a tactic of war, and in spite of efforts to address this practice, reports indicate that it continues unabated in certain countries. Therefore, the protection of women and children from physical and sexual violence remains one of the major challenges to civilian protection in the region.

Internally displaced persons (IDPs) form another particularly vulnerable group. At end 2009, the Philippines, Indonesia and Myanmar were some countries with significant numbers of IDPs as a result of armed conflict, generalised violence or human rights violations (IDMC, 2010). Between late 2008 and the end of 2009, approximately 400,000 people fled their homes in the southern Philippines as the armed forces stepped up its campaign against the Moro Islamic Liberation Front (MILF) (IDMC, 2010). In Indonesia, tens of thousands of IDPs remained in Papua, Maluku, Central Sulawesi, and West and Central Kalimantan in 2009 (IDMC, 2010). That year, in the rural areas of eastern Myanmar alone, there remained an estimated 470,000 IDPs as a result of armed conflict, with the primary agent of displacement being government forces and, to a lesser extent, insurgent ethnic armed groups. Over the course of the year 2008/2009, tens of thousands were estimated to be newly displaced in the country, adding to the estimated 1 million Myanmarese who have been displaced over the past decade (IDMC, 2010:72; Hedman, 2009:37). The case of Myanmar in the aftermath of Cyclone Nargis also brought to the fore the worrying phenomenon of 'environmental' refugees. Displaced populations share similar limitations to the fulfilment of their human rights, including restricted access to basic services and infrastructure, malnutrition, health problems, disruption of children's education, and increased vulnerability to trafficking or recruitment into armed groups (IDMC, 2010).

Red Shirt protestors, Bangkok, 20 March 2010.

Besides situations of overt violence, many marginalised groups across Southeast Asia also face entrenched challenges to their human rights, including fundamental civil and political rights. Beyond the derogation of rights as a concern in its own right, the role of human rights violations in provoking conflict is also a serious consideration. An analysis of human rights issues in Southeast Asian countries highlights some key human rights concerns. These include persecution for expression of political or religious views, including the arbitrary arrest of journalists, activists and human rights defenders; extrajudicial killings; preventive detention; widespread impunity for government security forces and militias; lack of judicial independence and weak rule of law; derogation of the rights of migrant workers or undocumented migrants; human trafficking, etc. (HRW, c2010). Broadly speaking, the politicisation of identities, which includes discrimination on religious and ethnic grounds, is a significant common underlying cause of tensions between the state and marginalised communities in Southeast Asia (Kaur et al., 2010). Ethnic and religious minorities – for instance, the ethnic Khmer (Khmer Krom) in southern Vietnam and ethnic minority groups in Myanmar, including the stateless Rohingya – often bear the brunt of human rights violations (HRW, c2010). Horizontal or structural inequalities, and the refusal of the state to recognise human rights – whether tangible or identity-based – could be seen to lie behind the pro-independence protests in West Papua and the Southern Moluccas, Indonesia, and the sporadic clashes between political opposition groups and Myanmar's military.

Rohingya children in the Nayapara refugee camp, 2008. A persecuted ethnic and religious minority from Myanmar, some fled to camps in Bangladesh.

A Comprehensive 'Protection of Civilians' Agenda: From Situations of Armed Conflict to a Broad-based Human Security Approach

Protection of Civilians in Armed Conflict (POC)

The concept of POC was first introduced to the UN agenda in 1998, when, against the background of the international community's failure to defend civilians in civil wars in Rwanda and Sierra Leone, then Secretary-General Kofi Annan released a report on the 'humanitarian imperative' of protecting civilians caught up in conflict (Deschamp, 2010:5). Although the UNSC has resisted a strict definition of POC, it can be broadly defined in the UN context as 'all activities aimed at ensuring full respect for the rights of the individual in accordance with international human rights law, international humanitarian law, and refugee law' (Lie and Carvalho, 2009:2). However, the operationalisation of the POC norm in the context of the UNSC is fundamentally grounded in the 'traditional' school of thought on the protection of civilians, which is anchored in the Geneva Conventions and their Additional Protocols (Deschamp, 2010:5). According to this interpretation, POC is essentially a relative concept, being derived from the distinction between combatants and civilians (non-combatants) (Deschamp, 2010:13).

Since the POC became a thematic concern in the UNSC, the notion has become inextricably linked with UN peacekeeping and peace operations, with most missions now incorporating civilian protection as a core responsibility. In September 1999, the first of the UNSC resolutions (UNSCRs) on POC was passed. UNSCR 1265 noted that civilians account for the majority of casualties in armed conflicts and are increasingly targeted by combatants and armed elements; that only by addressing the causes of armed conflict in a comprehensive manner, through promoting economic growth, poverty reduction, sustainable development, national reconciliation, good governance, democracy, the rule of law and respect for and protection of human rights, would civilians be protected in the long-term; and that implementing appropriate preventive measures to resolve conflicts was of utmost importance. A number of thematic resolutions have been passed in the subsequent 11 years.

In the absence of a definition for POC, UNSCRs have helped to define the core concerns of POC, which include: the need to ensure the safety of civilians; unimpeded safe access of UN and humanitarian personnel to people in need; the situation of children in armed conflict; the need for justice; and the proliferation of small arms (Lie and de Carvalho, 2009:2).

Many states in Southeast Asia have shown a willingness to become involved in UN peacekeeping and peace operations at the regional and international levels. Indonesia, Malaysia and the Philippines constitute some of the major and more active contributors. As of September 2010, of 116 troop and police contributing countries to UN peacekeeping operations, Indonesia was the 17th largest contributor, with 1,691 personnel. Furthermore, Malaysia was ranked 22nd, with 1,080 uniformed personnel and the Philippines ranked 24th, with 1,024 military and police personnel. This can be compared to Germany's 293, Canada's 200, and Australia's 110 military and police personnel (UN, 2010). Other ASEAN states are also beginning to show interest in participating in international security operations in a civilian capacity. For instance, Singapore has emphasised the critical role of civilian police in UN peace operations, and its personnel have served over recent years in the current UN Integrated Mission in Timor-Leste (UNMIT). Cambodia participated in its first UN peacekeeping mission in 2006, when it deployed combat engineers in Sudan to clear landmines and has since provided such personnel to Chad and the Central African Republic. Vietnam has also expressed an interest in contributing to UN peace operations in areas which are compatible with its preferences and capabilities, for instance, in demining (NADI, 2010). The growing trend of the civilianisation of multidimensional peace operations – which now encompass the promotion of human security, confidence building, capacity building, the provision of electoral support, programmes to strengthen the rule of law, economic and employment generation, and social development – suggests that a core goal is to address the structural causes of conflict, and ultimately, build societies in which the vulnerabilities of individuals are reduced.

Members of the Malaysian contingent of the Formed Police Unit (FPU) of the UN Integrated Mission in Timor-Leste (UNMIT).

Indeed, a recent report, *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping*, outlines how UN missions and the Secretariat are presently attempting to move towards a more comprehensive definition of the POC concept that goes beyond mere physical protection (UN DPKO / UN DFS, 2009:20). Nonetheless, despite the continuing evolution in the UN's conceptualisation of POC, it is still somewhat constrained by its focus on situations of armed conflict. Thus, while the UN and its various bodies have an important role to play in situations of armed conflict, where the humanitarian and physical protection needs of individuals are amplified, there is good rationale for developing a regional will and capacity for civilian protection that hinges on a more proactive, and preventive, approach.

A human-security based approach to civilian protection

What could be seen as a second school of thought on protection of civilians focuses on the protection of human rights and thus adopts a more normative, rather than necessarily legalistic, approach (Deschamp, 2010:13). According to this interpretation, civilian protection is seen as a broader concept that involves 'proactive protection', that is, active engagement by state and non-state actors to protect civilians, which would include the prevention of violent conflict, post-conflict reconstruction as well as responding to violations (Deschamp, 2010:13). It addresses the shortcomings of a state-centric security framework in managing the protection needs that emerge from intra-state situations of violence and conflict as well as the threats that vulnerable groups face beyond situations of overt violence. A comprehensive protection of civilians approach is more relevant to the various protection concerns of individuals and communities in Southeast Asia, which, as discussed, extend beyond situations of 'armed conflict'. Ultimately, a human security approach to civilian protection would encourage the proactive development of states' capacities to protect their populations, for instance, through regional assistance in areas such as security sector reform (SSR), judicial reform, human rights training, building the capacity of police, enhancing the role of women, and so on. Such

a broad approach opens up much more room for state and non-state actors in the region to engage in the promotion of human security and conflict prevention.

Human rights violations as a cause of intra-state violence

Whether they are understood to be underlying or proximate (catalytic) causes of conflict (Thoms and Ron, 2007), the relationship between human rights violations and conflict provides the rationale for a more holistic approach to civilian protection. As Parlevliet (2009:4) suggests, echoing what seems to be a growing awareness, there can be no peace without justice, and the absence of justice is frequently the reason for the absence of peace. This consequently suggests that approaching civilian protection through a human rights perspective is more likely to consolidate sustainable peace in diverse societies.

The precise nature of the relationship between human rights violations and conflict has certainly not been resolved, nor is it clear. However, a number of authors propose a general positive correlation between some rights violations and escalation into conflict. Thoms and Ron (2007:694–5) admit that while economic and social inequalities may underlie conflict, their causal relationship is somewhat ambiguous. On the other hand, violations of personal integrity or security rights 'provide a clear link to escalation', by converting what may have been latent grievances to aggression. Clements (2004:3) similarly argues that a number of underlying economic and political dynamics form the backdrop to modern conflict, including, but not limited to, state exclusion and persecution of particular social groups, rule by kleptocrats or entrenched minorities, weak government legitimacy and competition for control of natural resources; these are exacerbated by the 'criminalisation of politics', including subversion of the rule of law, impunity and non-enforcement of the law. Similarly, referring to Azar's model of protracted social conflict in his discussion of conflict transformation, Miall (2004:5) points out that among other factors, such situations arise from the 'denial of basic human needs of access, identity and security'. In light of these

observations, a potential for violence may remain so long as the systemic denial of human rights persists (Parlevliet, 2009:11).

A human rights perspective on conflict emphasises inequalities, injustice and insecurity as the structural conditions underpinning violent conflicts, underscoring the need to address direct, structural and cultural violence (Parlevliet, 2009:8). Clements (2004:3) goes further, arguing that stable peace, referring to 'the persistence of non-violent cooperative relationships through time', cannot be achieved by merely addressing the 'presenting tensions, contradictions, disputes and manifestations of violence'. The goal of a human rights approach thus becomes building positive peace – through institution-building; the accommodation of diversity; development and reconstruction; and the strengthening of the rule of law (Parlevliet, 2009:11).

A human security approach to protection of civilians would aim to address the underlying structural elements of conflict and key intra-state challenges to individuals and communities' security, as opposed to managing human rights violations reactively through response to armed conflict and its consequences. At the causal level, the aim becomes to transform the underlying conditions that create a 'social propensity for violence' (Parlevliet, 2009:11).

The International Normative Framework for the Protection of Civilians

A normative framework comprised of internationally agreed human rights standards and state responsibilities to their populations is already in place, and continues to be consolidated at the global level. This international framework for civilian protection consists of four primary elements: general international law, IHL, IHRL, and as a principle with persuasive normative value, the Responsibility to Protect (RtoP). Although progress in internalising these normative frameworks in the region has been gradual, it is clear that they have had some concrete – if ad hoc and incremental – implications for Southeast Asian countries. The international commitments

that they entail both inform and serve to bolster the mandates of new ASEAN initiatives, such as the AICHR and the ACWC, as well as the broad vision set out in the APSC blueprint, all of which will be considered in the subsequent sections.

General international law

General international law provides a framework for protecting civilians in the context of armed conflict. In the period since POC was introduced as a theme in the UNSC in 1999, various UNSCRs, including resolutions 1265 (September 1999), 1296 (April 2000), 1674 (April 2006), 1738 (December 2006) and 1894 (November 2009) have helped to establish the rationale and framework for UNSC activities in protecting civilians in situations of armed conflict. In the context of UNSC deliberations, ASEAN states have been receptive to the need to protect civilians.

International humanitarian law (IHL)

As a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict, IHL aims to protect persons who are not or no longer participating in hostilities as well as restrict the means and methods of warfare. Civilian protection lies at the heart of IHL, a major part of which is contained in the four Geneva Conventions of 1949, which have been further developed and supplemented by the Additional Protocols of 1977 relating to the protection of victims of armed conflicts. All ASEAN countries have acceded to the four 1949 Geneva Conventions; Thailand, the Philippines and Indonesia have gone as far as to institute it in their constitutions. However, while some ASEAN states are party to the Additional Protocols of 1977, Indonesia, Malaysia, Myanmar, Singapore and Thailand have yet to become signatories to either of the Protocols, and the Philippines and Vietnam have only agreed to one of them. Furthermore, the fact that only Cambodia has ratified the Rome Statute of the International Criminal Court might be seen to reflect the reality that there are many reservations to international instruments that involve international monitoring mechanisms (Kaur et al., 2010). Nonetheless, IHL principles do increasingly bear on the practices of state and

Children's rights have come into greater focus with the establishment of the ACWC.

non-state actors in the region. In the Philippines, the Moro Islamic Liberation Front (MILF) and the government agreed in 2009 to refrain from targeting civilians. Indonesia has instituted a military code to punish military personnel who target civilians. In Cambodia, the Extraordinary Chambers in the Courts of Cambodia (ECCC) has passed sentence in its first trial of the perpetrators of war crimes during the Khmer Rouge regime.

International human rights law (IHRL)

International human rights standards have been increasingly mainstreamed into the regional agenda since the early to mid 1990s, at different track levels to varying degrees (refer to Caballero-Anthony (2009) for an elaboration of the mainstreaming of human rights into ASEAN's agenda). Asia-Pacific states have increasingly ratified international human rights treaties (UNGA, 2010:6). However, the commitments of ASEAN members to IHRL are still limited and often conditional, with substantive reservations (see Kaur et al., 2010; see Bhalla and Caballero-Anthony, 2010 for reservations to the Convention on the Elimination of All Forms of Discrimination against Women, or CEDAW, and the Convention on the Rights of the Child, or CRC). The role

of the AICHR in encouraging the ratification of human rights instruments – and reconciling the withdrawal of reservations – is therefore important.

The Responsibility to Protect (RtoP)

Although a non-binding agreement, the RtoP principle is nonetheless persuasive and provides a point of reference to an agreement that all Southeast Asian states endorsed at the World Summit in 2005. The RtoP principle agreed upon in 2005 declares that states have a fundamental responsibility to protect their populations from the four mass atrocity crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. In doing so, RtoP effectively reframes sovereignty as a responsibility, rather than a privilege. In the UN Secretary-General's report in 2009, *Implementing the Responsibility to Protect*, RtoP was further articulated as constituting three distinct pillars: first, the state's primary responsibility to protect its population from the four crimes; second, the international community's responsibility to engage in capacity building to ensure states can uphold their obligations; and third, the international community's responsibility to intervene in a timely and decisive manner when a state is manifestly

failing to protect its population (UNGA, 2009). Although ASEAN states are cautious towards RtoP as it effectively sanctions intervention under the third pillar – albeit as a last resort – they nonetheless are broadly in agreement with its underlying principles. In particular, they have overwhelmingly affirmed their support in UN fora for the first two pillars of the RtoP principle, that is, the state's own responsibility to protect, and the responsibility of the international community to provide assistance and capacity building in order to bolster states' abilities to fulfil their obligations (ICRtoP, 2009). Furthermore, the fact that many states from the region affirmed their support for the UN's POC agenda in UNSC debates within the framework of the three pillars of the RtoP principle demonstrates the inroads that the principle has made in the region. Thus, on the whole, despite countries' considerable reservations regarding the RtoP principle's potential implications for intervention, the wider region's continuing expressions of support for the RtoP led the Global Centre for the Responsibility to Protect (in the wake of the 2009 UN General Assemby debate and interactive informal dialogue on the RtoP) to identify the Asia-Pacific as experiencing the greatest positive shift in favour of the principle since 2005. In its assessment, the Centre attributed significant change to the increasingly constructive positions taken by the Philippines and Vietnam (Global Centre for the Responsibility to Protect, 2009:10).

The Regional Framework: An Intermediary between the Global and the Local

Significant challenges remain in terms of advancing a more people-centred ASEAN, more cognisant of and able to respond to the protection concerns of its people. Traditional notions of state sovereignty and the principle of non-interference still mould how states shape their relations with one another and their populations. Contradictions are seemingly stark between the relatively new priorities of human rights, democracy, transparency and the rule of law, and the established principles of the 'ASEAN way', including non-interference and a consensus style of decision-making. Thus, differences persist

not only between international standards and regional standards in the institutionalisation and implementation of human rights, but also among ASEAN member states themselves.

Nonetheless, these challenges are not wholly insurmountable and there are entry points that are beginning to emerge within Southeast Asia's institutional and normative landscape. The adoption of the ASEAN Charter in 2008, the APSC blueprint in 2009, and the subsequent establishment of the AICHR and ACWC suggest the gradual evolution of ASEAN into a more people-centred organisation that takes human rights, democracy and the rule of law seriously. They indicate a willingness among many ASEAN member states to move forward on issues of conflict prevention and resolution, and portend at least a more proactive role for the organisation in these areas in the future.

These recent initiatives – the APSC, the AICHR and the ACWC – represent possible platforms for advancing a broad civilian protection framework for the region, based on a human security approach and the recognition of human rights. Specifically in the cases of the AICHR and the ACWC, their potential lies in acting as an intermediary between international standards and local protection needs. In this sense, regional institutions can play an important role in building up norms and ideals that can shape the region's practices, for instance, by embedding cooperation and capacity building measures in the region, such as through multidimensional peace operations as provided for in the APSC blueprint.

ASEAN Political-Security Community (APSC)

The APSC blueprint sets out five strategic thrusts aimed at bringing ASEAN's political and security cooperation to a higher plane and ensuring that the peoples and states of ASEAN live in peace with one another. These are conflict prevention, conflict resolution, post-conflict peacebuilding, political development and norm shaping and sharing. Under conflict prevention and resolution, the activities it sets out largely constitute efforts to ensure peace and security among member states. However, measures

outlined under political development and norm shaping indicate that the APSC is much more than just an instrument of (inter-state) security cooperation, but is also fundamentally a political project, designed to shape the region according to the norms of democracy, the rule of law, transparency, good governance and respect for human rights. In this sense, the APSC is an attempt to stretch regional cooperation from the mere functional to the normative. As the roadmap for consolidating political and security cooperation, the APSC blueprint's future success in acting as a catalyst for normative development will be particularly critical in nurturing a regional framework for civilian protection not only among states but also actors at all levels of governance – National Human Rights Institutions (NHRIs), civil society, NGOs and private sector entities.

ASEAN Intergovernmental Commission on Human Rights (AICHR)

ASEAN's commitment in the APSC to the promotion and protection of human rights eventually culminated in the inauguration of the AICHR on 23 October 2009, 16 years after the idea of a regional human rights body was first floated in a Joint Communique by six ASEAN member states (for more on the evolution of the human rights agenda that culminated with the establishment of the AICHR in 2009, see Kraft (forthcoming)). The scope of rights to be upheld by the AICHR include: customary law, international law, the UN Charter and IHL (ASEAN, 2009).

In its first five years, the AICHR is expected to focus on the following three priority areas: (1) the issue of migration in Southeast Asia, broadly defined to include refugees, trafficking of persons, asylum seekers, displaced persons, etc.; (2) business and human rights, with corporate social responsibility already accepted as part of the third pillar of ASEAN (the socio-cultural pillar), and a focus on the aspect of accountability; and (3) women's and children's issues, with a focus on the rights of women during situations of conflict.[1]

The AICHR does not have an explicit protection function but rather is designed to be a 'consultative body'. However, while its terms of reference (TOR) emphasise an evolutionary approach to the internalisation of human rights in the region, in its present form there are already several mandated functions listed in the AICHR's TOR that could be utilised in advancing measures to enhance civilian protection and human

security. For instance, its mandate encompasses conducting dialogue and consultation with various stakeholders involved in human rights, including civil society, national bodies and other ASEAN bodies. The AICHR is also mandated to obtain information from member states on human rights, thus providing its commissioners with a platform for requesting updates on human rights issues, the lack of which has been a significant handicap for the organisation. The body is also tasked with producing thematic studies and submitting its reports to the ASEAN Foreign Ministers. In terms of international human rights instruments, the AICHR could encourage states to ratify or accede to them, and an important role could be to discuss and try to reconcile areas where countries' reservations might be withdrawn. The AICHR could also mainstream human rights principles through initiatives under the economic and socio-cultural pillars, for instance, into climate change mitigation and adaptation policies (Cook et al., 2009). This could be achieved by providing advice to ASEAN sectoral bodies, as mandated in the TOR.

Although the AICHR has been criticised as 'window dressing' on the first anniversary of its inauguration, it clearly has a solid basis from which to grow and become stronger in terms of its potential to promote human rights (SAPA-TFAHR, 2010). In practice, the AICHR holds promise as a focal point for coordinating capacity building measures among state and non-state actors, as well as gathering information and best practices from both the international system and civil society organisations (CSOs) at the domestic level (see Haywood et al. (2010) for a brief outline of some of the AICHR's mandated functions).

ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)

A parallel body to the AICHR, the ACWC, first proposed in the Vientiane Action Programme of 2004, was brought into effect on 7 April 2010 (ASEAN, 2004). The ACWC has very specific TOR concerning the rights it shall monitor, and they include the CEDAW and the CRC. In this sense, the ACWC's mandate can be seen to link the region's international commitments with local realities (see Cook and Bhalla (2010) for an examination of the ACWC). In order to achieve its goal of promoting and protecting the rights of women and children, the ACWC aims to build capacities of relevant stakeholders at all levels, for example, within administrative, legislative and judicial streams; among civil society, community leaders, women and children machineries; through the provision of technical assistance, training and workshops (refer to the ACWC TOR in ASEAN (2010)).

It is envisaged that the ACWC will coordinate with and be complementary to the work of the AICHR. Given the AICHR's inception in the ASEAN Charter, the institution will be able to function cross-sectorally, enjoying a mandate that allows it to influence and engage with all three of the ASEAN Communities – the APSC, the ASEAN Socio-Cultural Community (ASCC) and the ASEAN Economic Community (AEC). In contrast, the ACWC will be operating as part of the socio-cultural pillar through its reporting to the ASEAN Ministerial Meeting for Social Welfare and Development (AMMSWD), with copy to the ASEAN Committee on Women (ACW) and other relevant sectoral bodies. In view of this, Rafendi Djamin, Indonesian commissioner to the AICHR, has suggested ways in which the two bodies could capitalise on their relative comparative advantages. For instance, the ACWC could aid the AICHR by providing specialised technical expertise on women's and children's protection issues in the region (Cook and Bhalla, 2010). In turn, since the AICHR is mandated to provide technical advice on human rights to all ASEAN sectoral bodies, it could help the ACWC in mainstreaming important women's and children's issues under both the political-security and economic pillars.

By establishing complementarities, the AICHR and the ACWC have the potential to contribute to a more effective form of regional governance for the protection of civilians. Together, they represent prospects for institutionalising the protection of the needs of individuals and communities – both in times of conflict and 'peace' – and help to constitute a broad agenda for preventing the escalation of cultural, structural or direct violence into overt conflict.

The Need for Multi-level and Multi-actor Engagement

Engaging the state

In implementing a civilian protection agenda, we must remain cognisant of the critical role of the state. As reaffirmed in the AICHR TOR, 'the primary responsibility to promote and protect human rights and fundamental freedoms rests with each Member State' (the AICHR TOR in ASEAN (2009)). Indeed, as Jayasuriya (2009:337) suggests, emerging forms of regional regulation (including those designed for the protection of populations from violence) will ultimately rely more on the active participation of national agencies and their practices/measures than on formal international treaties or international organizations for their enforcement'. Seen in this context, Skocpol's argument from the 1980s holds great prescience – despite the increasingly borderless world, in the face of the difficult circumstances brought on by changes in the global environment, one (still) needs to 'bring the state back in' (Evans et al., 1985). In trying to consolidate a civilian protection agenda that has practical consequences for local communities and individuals, there are a number of mechanisms and processes which can be utilised at the national level; among others, these include the creation of national human rights commissions (NHRCs), the optimisation of the courts, the creation of positions of ombudspersons and a role for the media in reporting rights abuses.

Indonesia, Thailand, the Philippines and Malaysia have their respective NHRCs. Nonetheless, their performance has varied widely across the region. The Philippine and Thai commissions are constitutionally created bodies. The Indonesian commission was created by presidential decree, but retains considerable independence of action. In particular, the Indonesian commission has been able to achieve success recently in dealing with women's issues due to its capable commissioners. The commission in Malaysia was created by statute. Together, these four commissions formed the ASEAN NHRI Forum (ANF), which has developed collective strategies on human rights education, specifically for the military and police; the rights of migrant workers; the rights of trafficked persons; anti-terrorism and the promotion of economic and social rights (ANF, n.d.).

In Singapore, human rights protection lies with its courts, rather than relying on a national human rights mechanism. In Cambodia, three commissions exist, but none of them are independent of the government. The Commission on Human Rights of the Philippines, however, recently hosted training for a delegation from the Joint Working Group for the Establishment of an Independent National Human Rights Commission in Cambodia (ANF, n.d.).

There are already numerous national bodies devoted to various human rights issues in Southeast Asian countries (refer to Table 2 in Haywood et al. (2010)). While the AICHR, as the overarching body, may be able to play a role in bringing these diverse institutions into a more coherent whole, ultimately it is at the national level that human rights standards will need to be implemented and protected.

In addition to NHRIs, human rights committees can play an important role, in that they are particularly open to hearing the cases of vulnerable groups such as migrant workers or women and children. Courts can play a passive role in training judges and lawyers in human rights law in order to generally help educate, deter and prevent violence against and abuse of civilian populations. The media also has a role to play in civilian protection, and should be encouraged to train personnel to recognise human rights abuses and to report these aggressively. Broadly speaking, a pluralistic national setting can assist in ensuring that victims of abuses have multiple options to seek restitution.

Many challenges to national human rights protection persist in the form of inadequate laws and policies, poor practices and training of personnel, and insufficient resources. Extensive social capital will also be required to

Women's Solidarity for Human Rights. Local NGOs have a role to play in advancing human rights and a POC agenda for the region.

enhance cooperation between different actors and to establish proficiency in the protection of human rights. In addition, ongoing internal self-evaluation will be crucial in ensuring that standards of protection are upheld. Above all else, however, institutions at the national level must be impartial and competent, whatever their form, to ensure public trust in their capabilities and their outcomes.

As the overarching human rights body for the region, the AICHR has the potential to play an important role in coordinating cooperation and capacity building measures among different actors involved in human rights, sharing best practices from the international community and broadly enabling the development of the capacities of NHRIs.

Mobilising non-state actors

A regional network for the protection of civilians must just as crucially encompass non-state actors – civil society, NGOs, NSAGs and private sector entities. Of all actors below the state, domestic civil society is arguably the most basic source of protection for populations, especially in cases where all other layers of protection have failed. CSOs can play an important role in

helping to protect civilians and enhance human rights protection, performing functions such as promoting human rights awareness and education, and acting as a bridge between local groups and the courts as well as other human rights institutions. In practical terms, they may help to provide aid to victims of human rights abuses and flag issues of importance for the general public. They may also help to support mediation processes in cases where going to court may be impractical or impossible. Ultimately, domestic CSOs hold local knowledge and are more sensitive to the needs of local populations and local cultural norms. For this reason they are often the actors best equipped to promote awareness of and respect for international law within conflict zones.

The diverse array of CSOs working at and below the national level to provide protection to local populations, including through human rights promotion, are too numerous to detail. Nonetheless, a prime example of a CSO working to protect civilians caught up in intra-state violence is Bantay Ceasefire in the Philippines. Bantay Ceasefire is an independent grassroots monitoring body that aims to provide a conducive space for the actors in the Mindanao conflict to resolve the problem through negotiation. It monitors

the GRP-MILF (Government of the Republic of the Philippines - Moro Islamic Liberation Front) Ceasefire Agreement, human rights and IHL, the security and welfare of civilians, as well as clan-based conflict. Bantay Ceasefire represents an effective case of preventive diplomacy, whereby its missions are recognised by both the GRP and the MILF as independent and objective initiatives from civil society. This example alone suggests that international assistance to influential CSOs could be an important investment in conflict prevention and resolution (UN OCHA, n.d., 'Civil Society').

However, non-state actors can also have a negative effect on conflict situations, for instance, in cases where NSAGs commit acts of violence and violate basic principles of human rights and IHL. Thus, their compliance with IHL can clearly have a significant impact on the extent of the suffering of civilians. An example of an NSAG taking on board IHL commitments was seen in 2008, when the MILF signed a declaration committing it to IHL on the use of landmines. The MILF's signing of the Rebel Group Declaration of Adherence to International Humanitarian Law on Landmines brought the number of signatory rebel groups in the Philippines to four (the other three being communist breakaway factions). This declaration aims to encourage NSAGs to adhere to, become accountable for, and generate assistance for compliance with, the key norms, standards and undertakings of existing IHL on landmines. Although initiated in the Philippines, the commitment and values behind this declaration could be replicated and localised elsewhere. This would ideally have the effect of encouraging reciprocal adherence from states, and result in improvement in the human security situation for all the people of conflict-affected areas. It could also help to build up the treaty norms to become customary norms of international law binding on all, including non-party states and non-state entities (Nonviolence International Southeast Asia, 2008).

Finally, there is also a need to recognise the role of private sector entities in advancing the protection of civilians on the ground. There are many ways in which the private sector can contribute to the prevention and resolution of violent conflicts, for instance, through supporting efforts to end hostilities, promoting respect for international law, funding training in the form of human rights awareness, generating employment and income, and assisting economic recovery and development (UN OCHA, n.d., 'The Private Sector'). This important role of the private sector was recognised in the establishment of the UN Global Compact in 2000, a policy initiative for businesses that are committed to aligning their business operations with 10 universally accepted principles, in the areas of human rights, labour, the environment and anti-corruption. Nonetheless, one also needs to be conscious of the substantial gap between those entities that abide by and actively practise corporate social responsibility, and conversely, those who benefit from conflict situations. The private security sector is one such area where accountability to corporate social responsibilities is often lacking. Thus, on the relationship between the private sector and human rights, the Global Compact proclaims that businesses should support and respect the protection of internationally proclaimed human rights, and make sure that they avoid complicity in human rights abuses (UNGC, 2010).

Conclusion

This NTS Perspectives has attempted to set out the rationale for a comprehensive civilian protection agenda for Southeast Asia. Ultimately, this should incorporate a broad-based, human security approach to the protection needs of individuals, to complement the role played by the UNSC and associated UN entities in mainstreaming protection efforts through their activities, specifically their peace operations. This approach would hopefully lend itself to a more preventive approach to civilian protection, and – if the literature on the link between human rights violations and conflict is taken as a reference point – would also go some way towards building sustainable societies that are less likely to deteriorate into overt conflict.

Actors across all levels of governance have a role to play in operationalising this broad agenda. At the international level, a civilian protection framework will require the international community's increased adherence to IHL, IHRL and general international law. At the regional level, ASEAN's emerging regional infrastructure – comprised of the APSC, the AICHR and the ACWC – can act as intermediaries between universal standards, and local protection needs and sub-regional initiatives. Indeed, these institutions have the potential to enable a more bottom-up approach to civilian protection, through their active engagement with various actors at the national level such as national human rights bodies, CSOs, the private sector and even NSAGs. This will essentially allow for a wider and deeper diffusion of people-centred norms in the region, and may gradually encourage the implementation of this broader human-security based approach to civilian protection within the region.

Note

[1] This was noted by Rafendi Djamin, Indonesian commissioner to the AICHR, during discussions; also, refer to Djamin (2010) for his views on the key protection concerns facing ASEAN peoples.

References

Acharya, Amitav, Ralf Emmers and Mely Caballero-Anthony, 2006, *Studying Non-Traditional Security in Asia: Trends and Issues*, Singapore: Marshall Cavendish.

ASEAN National Human Rights Institutions Forum (ANF), n.d., 'Framework of Cooperation'. http://www.aseannhriforum.org/en/joint-projects.html

Association of Southeast Asian Nations (ASEAN)

2004, *Vientiane Action Programme 2004–2010*, Jakarta: ASEAN Secretariat. http://www.aseansec.org/VAP-10th%20 ASEAN%20Summit.pdf

2008, *The ASEAN Charter*, Jakarta: ASEAN Secretariat. http://www.aseansec.org/publications/ASEAN-Charter.pdf

2009, *Terms of Reference of ASEAN Intergovernmental Commission on Human Rights*, Jakarta: ASEAN Secretariat. http://www.aseansec.org/DOC-TOR-AHRB.pdf

2010, *Terms of Reference: ASEAN Commission on the Promotion and Protection of the Rights of Women and Children*, Jakarta: ASEAN Secretariat. http://www.aseansec.org/publications/TOR-ACWC.pdf

Bhalla, Priyanka and Mely Caballero-Anthony, 2010, 'Reserving the Right Not to Comply: ASEAN Legal Reservations to CRC and CEDAW', *NTS Alert*, June (Issue 1), Singapore: RSIS Centre for Non-Traditional Security (NTS) Studies for NTS-Asia. http://www.rsis.edu.sg/nts/HTML-Newsletter/alert/NTS-alert-jun-1001.html

Caballero-Anthony, Mely

2004, 'Revisioning Human Security in Southeast Asia', *Asian Perspective*, Vol. 28, No. 3, pp. 155–89. http://www.asianperspective.org/articles/v28n3-g.pdf

2009, 'Challenging Change: Non Traditional Security, Democracy, and Regionalism', in Donald K. Emmerson (ed.) *Hard Choices: Security, Democracy, and Regionalism in Southeast Asia*, Singapore: Utopia Press, 2009.

Caballero-Anthony, Mely, Ralf Emmers and Amitav Acharya (eds), 2006, *Non-Traditional Security in Asia: Dilemmas in Securitisation*, London: Ashgate.

Clements, Kevin, 2004, *Towards Conflict Transformation and a Just Peace*, Berlin: Berghof Research Center for Constructive Conflict Management. http://www.berghof-handbook.net/documents/publications/clements_handbook.pdf

Cook, Alistair, Belinda Chng and Irene Kuntjoro, 2009, 'The AICHR Framework for Action', *NTS Insight*, October (Issue 1), Singapore: RSIS Centre for Non-Traditional Security (NTS) Studies. http://www.rsis.edu.sg/nts/HTML-Newsletter/Insight/NTS-Insight-oct-0901.html

Cook, Alistair D.B. and Priyanka Bhalla, 2010, 'Regional Champions: Examining the Comparative Advantages of AICHR and ACWC', *NTS Insight*, June (Issue 1), RSIS Centre for Non-Traditional Security (NTS) Studies. http://www.rsis.edu.sg/nts/HTML-Newsletter/Insight/NTS-Insight-jun-1001.html.

Deschamp, Bryan, 2010, 'Victims of Violence: A Review of the Protection of Civilians Concept and Its Relevance to UNHCR's Mandate', Geneva: United Nations High Commissioner for Refugees (UNHCR) Policy Development and Evaluation Service (PDES). http://www.unhcr.org/4c99d0ba9.html

Djamin, Rafendi, 2010, 'In Conversation with Rafendi Djamin' on the sidelines of the RSIS Centre for Non-Traditional Security (NTS) Studies and International Committee of the Red Cross (ICRC) *Regional Workshop on the Protection of Civilians*, Singapore, 15–16 July 2010. http://www.rsis.edu.sg/nts/flv.asp?title=POC/Rafendi%20Djamin&keepThis=true&

Evans, Peter B., Dietrich Rueschemeyer and Theda Skocpol (eds), 1985, *Bringing the State Back In*, Cambridge, UK: Cambridge University Press.

Global Centre for the Responsibility to Protect, 2009, *Implementing the Responsibility to Protect – The 2009 General Assembly Debate: An Assessment*, New York. http://globalr2p.org/media/pdf/GCR2P_General_Assembly_Debate_Assessment.pdf

Haywood, Holly, Manpavan Joth Kaur and Mely Caballero-Anthony, 2010, 'Advancing Protection of Civilians through the ASEAN Intergovernmental Commission on Human Rights (AICHR)', *NTS Alert*, November (Issue 2), Singapore: RSIS Centre for Non-Traditional Security (NTS) Studies for NTS-Asia. http://www.rsis.edu.sg/nts/HTML-Newsletter/alert/NTS-alert-nov-1002.html

Hedman, Eva-Lotta, 2009, 'Refugees, IDPs and Regional Security in the Asia-Pacific', in Brian L. Job and Erin Elizabeth Williams (eds), *CSCAP Regional Security Outlook (CRSO) 2009–2010: Security through Cooperation*, Canada: Council for Security Cooperation in the Asia Pacific (CSCAP), pp. 34–39. http://www.cscap.org/uploads/docs/CRSO/CRSO%202009-10.pdf

Human Rights Watch (HRW), c2010, 'Asia'. http://www.hrw.org/en/asia

International Coalition for the Responsibility to Protect (ICRtoP), 2009, 'General Assembly Debate on the Responsibility to Protect and Informal Interactive Dialogue', New York. http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/2493-general-assembly-debate-on-the-responsibility-to-protect-and-informal-interactive-dialogue-

Internal Displacement Monitoring Centre (IDMC), 2010, 'Internal Displacement in South and South-East Asia', in *Internal Displacement: Global Overview of Trends and Developments in 2009*, Geneva, pp. 72–85. http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/7DBAD291FB21AD6CC12577250062408D/$file/GO2009_Asia.pdf

International Institute for Strategic Studies (IISS), 2009, *Chart of Armed Conflict 2009*.

Jayasuriya, Kanishka, 2009, 'Regulatory Regionalism in the Asia-Pacific: Drivers, Instruments and Actors', *Australian Journal of International Affairs*, Vol. 63, No. 3, pp. 335–47. http://dx.doi.org/10.1080/10357710903104810

Kaur, Manpavan Joth, Holly Haywood and Mely Caballero-Anthony, 2010, 'Advancing ASEAN's Political-Security Community: The Protection of Civilians Agenda', *NTS Alert*, November (Issue 1), Singapore: RSIS Centre for Non-Traditional Security (NTS) Studies for NTS-Asia. http://www.rsis.edu.sg/nts/HTML-Newsletter/alert/NTS-alert-nov-1001.html

Kraft, Herman, forthcoming, 'RtoP by Increments: The AICHR and Localizing the Responsibility to Protect in Southeast Asia', *Pacific Review*, special issue on the RtoP in Southeast Asia.

Lie, Jon Harald Sand and Benjamin de Carvalho, 2009, *The Tension between UN HQ and the Field in Implementing the Protection of Civilians*, Policy Brief 4, Oslo: Norwegian Institute of International Affairs (NUPI). http://www.humansecuritygateway.com/documents/NUPI_TensionBetweenUNHQField_ProtectionCivilians.pdf

Miall, Hugh, 2004, *Conflict Transformation: A Multi-Dimensional Task*, Berlin: Berghof Research Center for Constructive Conflict Management. http://www.berghof-handbook.net/documents/publications/miall_handbook.pdf

Network of ASEAN Defence and Security Institutions (NADI), 2010, *Report of Track II Network of ASEAN Defence and Security Institutions Workshop on Peacekeeping Operations*, Kuala Lumpur, 19–21 October. http://www.rsis.edu.sg/nadi/pdfs/peacekeeping_1/NADI%20Workshop%20on%20Peacekeeping%20Ops%20Chairman's%20Report.pdf.

Nonviolence International Southeast Asia, 2008, 'Moro Islamic Liberation Front Signs New Declaration for Rebel Group Adherence to IHL on Landmines', 15 November. http://www.nonviolenceinternational.net/seasia/index.php?option=com_content&task=view&id=114&Itemid=1.

Parlevliet, Michelle, 2009, *Rethinking Conflict Transformation from a Human Rights Perspective*, Berlin: Berghof Research Center for Constructive Conflict Management. http://www.berghof-handbook.net/documents/publications/parlevliet_handbook.pdf

Solidarity for Asian People's Advocacy Task Force on ASEAN and Human Rights (SAPA-TFAHR), 2010, 'AICHR: A Window Dressing for ASEAN's Commitment to Human Rights', Asian Forum for Human Rights and Development (FORUM-ASIA), 27 October. http://www.forum-asia.org/index.php?option=com_content&task=view&id=2633&Itemid=129

Stepanova, Ekaterina, 2009, 'Trends in Armed Conflicts: One-Sided Violence against Civilians', in *SIPRI Yearbook 2009: Armaments, Disarmament and International Security*, Solna: Stockholm International Peace Research Institute (SIPRI). http://www.sipri.org/yearbook/2009/files/SIPRIYB0902.pdf

Stockholm International Peace Research Institute (SIPRI), 2010, *SIPRI Yearbook 2010: Armaments, Disarmament and International Security*, Solna. http://www.sipri.org/yearbook/2010

Thoms, Oskar N.T. and James Ron, 2007, 'Do Human Rights Violations Cause Internal Conflict?', *Human Rights Quarterly*, Vol. 29, No. 3, pp. 674–705. http://muse.jhu.edu/journals/hrq/summary/v029/29.3thoms.html

United Nations (UN), 2010, 'Ranking of Military and Police Contributions to UN Operations', 30 September. http://www.un.org/en/peacekeeping/contributors/2010/sept10_2.pdf.

United Nations Department of Peacekeeping Operations (UN DPKO) and UN Department of Field Support (UN DFS), 2009, *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping*, New York. http://www.un.org/en/peacekeeping/documents/newhorizon.pdf.

United Nations General Assembly (UNGA), 2010, 'Report of the High Commissioner Containing the Conclusion of the 15th Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region (21 to 23 April 2010)', A/HRC/15/39, New York. http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.39_en.pdf

United Nations Global Compact (UNGC), 2010, 'Overview of the UN Global Compact', updated 23 November. http://www.unglobalcompact.org/AboutTheGC/index.html.

United Nations Global Compact (UNGC), n.d., 'The Ten Principles'. http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html

United Nations Office for the Coordination of Human Affairs (UN OCHA)

n.d., 'The Private Sector', *OCHA Online – Protection of Civilians in Armed Conflict*. http://www.reliefweb.int/ocha_ol/advocacy/production/beta/private_sector/index.html.

n.d., 'Civil Society', *OCHA Online – Protection of Civilians in Armed Conflict*. http://www.reliefweb.int/ocha_ol/advocacy/production/beta/civil_society/index.html.

Uppsala Conflict Data Program (UCDP), 2010, *UCDP Database: Countries in Oceania Experiencing One-Sided Violence since 1989*, Department of Peace and Conflict Research, Uppsala University. http://www.pcr.uu.se/research/ucdp/database/

Photo Credits

About the Author

Associate Professor Mely Caballero-Anthony is Head of the RSIS Centre for Non-Traditional Security (NTS) Studies and Secretary-General of the Consortium of Non-Traditional Security Studies in Asia (NTS-Asia). She is Principal Investigator of the Centre for NTS Studies' projects for the MacArthur Foundation's Asia Security Initiative (ASI). She leads and directs the research programme on Internal Conflict and Cross-Border Challenges, and advises the Health and Human Security programme. Caballero-Anthony is a member of the Council for Security Cooperation in the Asia Pacific (CSCAP) Study Group on the Responsibility to Protect (RtoP) and the ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS) network. She is also a member of the International Advisory Board of the Asia Pacific Centre for the Responsibility to Protect (APCR2P) and the Global Consortium on Security Transformation (GCST).

About the NTS Perspectives

The Centre for NTS Studies of the S. Rajaratnam School of International Studies was inaugurated by the Association of Southeast Asian Nations (ASEAN) Secretary-General Dr Surin Pitsuwan in May 2008. The Centre maintains research in the fields of Food Security, Climate Change, Energy Security, Health Security as well as Internal and Cross Border Conflict. It produces policy-relevant analyses aimed at furthering awareness and building capacity to address NTS issues and challenges in the Asia-Pacific region and beyond. The Centre also provides a platform for scholars and policymakers within and outside Asia to discuss and analyse NTS issues in the region.

In 2009, the Centre was chosen by the MacArthur Foundation as a lead institution for the MacArthur Asia Security Initiative, to develop policy research capacity and recommend policies on the critical security challenges facing the Asia-Pacific.

The Centre is also a founding member and the Secretariat for the Consortium of Non-Traditional Security Studies in Asia (NTS-Asia). More information on the Centre can be found at www.rsis.edu.sg/nts

Please email us at NTS_Centre@ntu.edu.sg to subscribe to the centre's e-publications.