

# POLICY BRIEF

By Mely Caballero-Anthony and Holly Haywood

## ASEAN Community Building: Towards a Comprehensive Framework for Civilian Protection in Southeast Asia

Initiatives introduced under the various pillars of the envisaged ASEAN Community, notably the ASEAN Political-Security Community (APSC) and ASEAN Socio-Cultural Community (ASCC), represent potential entry points for building a more effective framework for civilian protection in Southeast Asia. This policy brief attempts to delineate some ways by which the opportunities presented by 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) initiatives, as well as the momentum surrounding the development of a regional capacity for ensuring peace and stability, could be advanced.

Southeast Asia has endured protracted intra-state conflicts and violence, with significant repercussions for civilians. Beyond armed conflict, individuals and communities are rendered insecure by ethnic and communal tensions, violent religious fundamentalism, campaigns of one-sided violence, generalised human rights violations (particularly in the case of ethnic and religious minorities), conflict and development-induced internal and cross-border displacement, human trafficking, as well as sexual exploitation and abuse. Against these challenges, a comprehensive, human security-based approach to protection presents a framework for both identifying and addressing the insecurities that may either provoke, exacerbate or result from such dynamics.

The ASEAN Political-Security Community (APSC) Blueprint for one demonstrates that ASEAN countries are becoming more serious about addressing and cooperating on issues of regional security, including threats to human security that emanate from within national boundaries.

Recent institutional developments within ASEAN, particularly 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), represent potential mechanisms for proactively and comprehensively addressing regional security concerns, specifically those that impact on human security and civilian protection.

The state must be the primary actor for providing protection to its population, but a multi-level and multi-actor approach is nonetheless critical. Various actors at the local, national and regional level will ultimately need to fulfil their positions of responsibility and cooperate both across and between levels of governance in order to achieve a sustainable framework for the protection of Southeast Asia's nearly 600 million people.<sup>1</sup>

## ASEAN Political-Security Community (APSC)

Along with the ASEAN Socio-Cultural Community (ASCC) and the ASEAN Economic Community (AEC), the APSC is set to help realise an ASEAN Community by 2015. Within the APSC Blueprint, ASEAN has outlined its commitment to conflict prevention, conflict resolution and post-conflict peacebuilding. In order to consolidate the APSC's vision of regional security, several key initiatives should be advanced in the short to medium term:

- Identify areas where states might be able to assist their neighbours through bilateral capacity building exchanges. Bilateral initiatives could be of benefit in, for instance, the strengthening of key rule of law institutions, such as the training of police and the education of key stakeholders on the provisions of international human rights obligations.
- Sustain current momentum with regard to the provision of civilian and/or specialised capacities to UN or other multilateral peace operations. In post-conflict societies, specialised expertise is just as critical – if not more so – than 'boots on the ground'. It is particularly important for ensuring that a 'public security gap' does not develop which might make long-term stability and peace harder to achieve in these societies. The specialised capacities which could be vital in this respect might include civilian police, de-mining units, engineering and reconstruction teams, rule of law specialists, medical teams, etc. To advance this agenda, ASEAN member states could begin with information exchanges to establish where their capacities might match the needs of neighbouring countries. To help materialise this agenda, the development of an appropriate database within the ASEAN Secretariat could be considered.
- Identify a focal point for the coordination of the peacekeeping centres already established in the region (in Indonesia, Malaysia, Thailand and

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the Philippines) and outline a common peace operations agenda.

- Commit more energy to advancing the goal of establishing a regional framework for early warning and response (EWR) – beyond just its conceptualisation and discussion.

### **ASEAN Intergovernmental Commission on Human Rights (AICHR)**

In October 2009, the AICHR was inaugurated, with the aim of promoting and protecting the human rights and fundamental freedoms of individuals in Southeast Asia, in accordance with the ASEAN Charter and international human rights standards as prescribed by the Universal Declaration of Human Rights and other international instruments. However, on the first anniversary of its establishment, the AICHR was criticised by some as mere ‘window dressing’.<sup>2</sup> While progress regarding the AICHR has been incremental, it is nonetheless a significant development in a region where human rights was not long ago a very sensitive subject. To capitalise on its potential, the AICHR should do the following:

- Finalise its Rules of Procedure (ROP). These should clarify whether the AICHR can receive or investigate complaints. The ability to at least receive complaints would mean specific concerns can be incorporated into the AICHR’s thematic reports. The ROP must also set out clear guidelines on engagement with external parties, as consistent and meaningful engagement with civil society is important for ensuring that the AICHR becomes effective and accountable.
- Encourage ASEAN members to proceed with the ratification of or accession to key human rights instruments and advise on the withdrawal of reservations.<sup>3</sup>
- Provide advice to ASEAN sectoral bodies on incorporating civilian protection considerations into relevant agendas for action, for instance, in the planning and implementation of climate change adaptation and mitigation efforts.
- Work closely with the National Human Rights Commissions (NHRCs) in Indonesia, the Philippines, Thailand and Malaysia. The ASEAN National Human Rights Institutions Forum (ANF), which brings together these four national commissions, could serve as a useful focal point through which the AICHR could facilitate information sharing and collaboration. The AICHR should also encourage and facilitate the establishment of national commissions in more ASEAN countries.

- Provide or facilitate education on the practical aspects of civilian protection to those expected to be able to secure it, that is, police and military personnel. Potential avenues for the provision of education are already in place. For instance, the Philippine NHRC, under one of the ANF’s initiatives, has already focused on developing curriculum for police and military to promote and protect peoples’ rights. Such efforts could be supported and facilitated by the AICHR. Training could also be streamlined through regional peacekeeping centres.

- Continue to deepen engagement with the UN and other international actors at the country level. It could collaborate with, for instance, the Office of the High Commissioner for Human Rights (OHCHR), the Office of the UN High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC). The will exists, at least at the highest level, with a UN General Assembly resolution recently proposing cooperation with ASEAN in the areas of peace and security, peacekeeping and post-conflict peacebuilding. The AICHR can benefit greatly from the training and technical resources of these offices.
- Utilise the proposed ASEAN human rights declaration as an important vehicle to further consolidate regional norms related to the protection of civilians. However, it is critical that already-agreed-upon standards are maintained.
- Seek greater support and funding from ASEAN member states and other regional and international stakeholders. Among other things, this should assist the development of an institutional base for the AICHR. The Human Rights Resource Centre (HRRC) is currently the most feasible option for such a base.

### **Collaboration across ASEAN Communities: The ASEAN Socio-Cultural Community (ASCC)**

The ASCC is said to represent the ‘human dimension’ of ASEAN cooperation, as it essentially seeks to build a society which is inclusive and where the well-being, livelihood and welfare of individuals are enhanced. The measures it sets out to this end are designed to be people-centred and socially responsible, and to contribute towards nurturing the human, cultural and natural resources of the region for sustained development. One of the most promising initiatives to fall within the purview of the ASCC is the ACWC. It is envisaged to work in collaboration with the AICHR, although the precise modalities and nature of this relationship are yet to be reconciled.

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

Established on 7 April 2010, the ACWC is charged with implementing the rights contained within the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

To begin realising its full potential, the ACWC should, in the immediate to medium term, pursue the following actions:

- Adopt its Rules of Procedure (ROP), which should, among other things, set out procedures for accepting complaints and engaging with external parties.
- Establish relationships with civil society organisations (CSOs) as well as institutions and offices at the national level tasked with handling issues related to women and children.<sup>4</sup> CSOs represent an invaluable informal source of information for the ACWC and it is critical that the ACWC is perceived as a legitimate partner. National bodies, including NHRCs, can serve as a source of information and help to implement ACWC strategies for the promotion and protection of rights.
- Act as a focal point for facilitating the sharing of experiences and good practices among national institutions concerned with women and children.
- Identify areas where states can improve their promotion and protection of women's and children's rights, including providing recommendations on how to implement appropriate domestic legislation.
- Provide training to government agencies, non-governmental organisations (NGOs), communities and others mandated to ensure the welfare of women and children, focusing on the specific vulnerabilities of those groups, and the obligations of states under the CEDAW and the CRC.
- Provide information to other ASEAN functional and sectoral bodies on women's and children's particular vulnerabilities, and provide recommendations on how they can be accounted for in policies and initiatives.

## **Notes**

<sup>1</sup> The rationale for, and the recommendations contained within, this policy brief are drawn from several workshops and roundtables that the RSIS Centre for Non-Traditional Security (NTS) Studies has hosted or co-hosted over the past year on civilian protection under the MacArthur Asia Security Initiative. It also draws upon the ongoing research of the Internal and Cross-Border Conflict Programme at the RSIS Centre for NTS Studies.

<sup>2</sup> 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](http://www.forum-asia.org/index.php?option=com_content&task=view&id=2633&Itemid=129)

<sup>3</sup> For a discussion on the importance of international human rights instruments in consolidating a regional framework for civilian protection, see Manpavan Joth Kaur, 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>. For ASEAN member states' reservations to two particular human rights instruments, the CEDAW and the CRC, see Mely Caballero-Anthony and Priyanka Bhalla, 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>

<sup>4</sup> For an illustration of some of the bodies that exist across ASEAN member states for managing women's and children's issues, see Holly Haywood, Manpavan Joth Kaur and Mely Caballero-Anthony, 2010, 'Advancing Protection of Civilians through the ASEAN Inter-governmental 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>

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## About the Centre

The RSIS Centre for NTS Studies, NTU, was inaugurated by the 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](http://www.rsis.edu.sg/nts).