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Recalibrating Intervention in Southeast Asia

Alistair D. B. Cook*

Centre for Non-Traditional Security (NTS) Studies, S. Rajaratnam School of International Studies, Nanyang Technological University, Nanyang Avenue, Singapore

Southeast Asia is home to many diverse cultures across and within national borders. The vast majority of these borders evolved out of those created during the colonial period in the region. While the Westphalian state system was imposed in the region, the post-independence period has illustrated traditional understandings of sovereignty are rhetorically prevalent in Southeast Asia. This is noticeable in the 1976 Treaty of Amity and Cooperation, which was a founding document of the Association of Southeast Asian Nations (ASEAN). This treaty bound its signatories not to interfere in another's domestic affairs yet there remain several high profile interventions which have trumped the non-interference norm – what explains this? Examples range from the 1975 Indonesian invasion of East Timor to the 1978 Vietnamese invasion of Cambodia, and to a more contemporary example of ASEAN member states' participation in United Nations peace operations in East Timor from the early 2000s onwards.

As a result there is a dichotomy between these two policy positions. On the one hand, formal legal agreements bind signatories to respect traditional sovereignty norms, yet in practice there are several cases when military intervention was used within the region by other states in the region. The historical military interventions during the 1970s are illustrative of pre-emptive military interventions to stave off the communist threat whereas more recently interventions have taken place under the guise of UN mandated peace operations. This noticeable shift can also illustrate the level of legitimacy attached to the interventions with those unilateral interventions taking place in the 1970s lacking the legitimacy bestowed upon UN peace operations either at the UN Security Council or through the UN General Assembly (UNGA) resolution 377a, the so-called 'Uniting for Peace' resolution – allowing for the General Assembly to act when there is deadlock at the Security Council.

These two periods of intervention also highlight a wider global trend in gaining legitimacy through the UN. The most significant policy development and attempt to legitimize, systematize or make more predictable interventions is the *Responsibility to Protect* (R2P) doctrine [1]. The R2P emerged in 2001 from the International Commission on Intervention and State Sovereignty (ICISS) report [2]. Subsequent deliberations at the UN led to the inclusion of the R2P in the 2005 World Outcome document, and subsequent UN Security Council Resolution 1674. The R2P norm, now instituted through the UN, stipulates that should a state be unable or unwilling to prevent Mass Atrocity Crimes, then the responsibility falls to the international community to act to prevent such crimes.

While the emergence of the R2P dovetails the changing nature of interventions in Southeast Asia, policy circles still remain hooked on the non-intervention principle yet when governments in the region are faced with preventing Mass Atrocity Crimes they have shown a capacity to act to prevent them. Indeed most recently there have been developments at the regional ASEAN level to initiate meditation and observation in the 2011 Thai-Cambodian border dispute as a preventive mechanism [3]. This trend demonstrates that while the policy rhetoric remains one of non-intervention and promoting traditional sovereignty norms, the practice differs.

In conclusion, there is a shift from unilateral to UN mandated interventions in Southeast Asia, which is also more broadly applicable at the global level as well. The local and global concerns are encapsulated in the R2P norm that places responsibility on the state, yet should the state not uphold its responsibility then UN mandated interventions are possible to protect civilians from Mass Atrocity Crimes. However, the R2P norm has not yet gained significant traction at the regional and national policy levels, which goes some way to explain the gap between policy rhetoric and policy practice.

References

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***Corresponding author:** Alistair D.B. Cook Centre for Non-Traditional Security (NTS) Studies, S. Rajaratnam School of International Studies, Nanyang Technological University, Nanyang Avenue, Singapore, Tel: +65-6790 4010; Fax: +65-6898 4060; E-mail: isdbCook@ntu.edu.sg