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Asia and the Responsibility to Protect: What Now?
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Most Asian states have chosen to bypass the debate on the Responsibility to Protect (RtoP), claiming that any discussion of the concept could undermine established notions of national sovereignty. This debate, though, can no longer simply be brushed aside by regional actors. No matter what one may think of the situation in Libya, it opens a complex debate about responses to imminent atrocities, divisions of labor in the context of such responses, and, perhaps most crucially, the way in which norms of intervention and responsibility will evolve. This debate should not proceed without Asia.

More profoundly, the rise of Asia in global politics entails the need for the region to participate in the development of global norms, and conversely, to abide by these norms. Asia must therefore articulate where it stands on the RtoP, and it must show that it can participate in the global debate about the concept in a constructive and forward-looking manner.

The first step in that process should be to acknowledge how the debate has evolved. Proponents of the RtoP are attempting to push discussion of the concept in two specific directions. One focuses on the tension between prevention and intervention in the logic of the concept. Too much has been made, they claim, of the argument that the RtoP justifies international military interventions within states. The idea, instead, is to emphasize that the prevention of violence is key, and that this process should start much earlier, in the development of legitimate and lawful models of politics in parts of the world where widespread violence is likely. The international community should assist in the development of these models of politics, and see that any military intervention, if it occurs, helps ensure their legitimacy and sustainability.

The second point of emphasis involves the role of regional actors. Any RtoP action, proponents of the concept claim, should require the consent, if not material support on the ground, of states neighboring the one where that international operation is to take place. This speaks to the logistics of any sustained international intervention in a zone of conflict. More profoundly, though, this goes to the core of the norms and claims supporting the RtoP. Too often, supporters of the RtoP suggest, the concept has been portrayed as an imposition of the West on the non-Western world. The explicit support of regional states can prove that the RtoP is very much a global norm supported by both Western and non-Western states.

This has implications for Asia. Libya, for example, is seen as a test of these arguments. As the likelihood of an international intervention against the Gadhafi regime increased a few months ago, the support of regional states was a crucial component of the discussion and might well have constituted its deciding factor. China did not support the operation, but it did not oppose it. Did Beijing recognize that a threshold had been passed when an array of global and regional actors supported an RtoP operation in Libya, and that it should not stand in the way? Or did it simply want to let facts on the ground – the difficulty of a clear exit strategy in Libya, the impossibility of a similar operation in Syria – demonstrate that the RtoP will never constitute a new norm of international affairs? (Revelations that state-controlled Chinese firms might have attempted to provide the Gadhafi regime with weapons after the international community began its intervention in Libya add yet another layer of complexity to these questions.)

More broadly, does shifting the center of gravity of the RtoP from intervention to prevention make the notion more palatable in Asia? The suggestion that the notion could entail a weakening of national sovereignty has cut short debate about it. (In fairness, this has happened in most other parts of the world.) Can the discussion start again on a new basis? Could an understanding of the RtoP focused on longer-term processes of legitimacy and development connect to the regional security discourse in Asia, where the notions of development and security have always been closely intertwined? And if the region can somehow make the concept its own, will it then support it?

It is in this context that a Study Group was established by the Council for Security Cooperation in the Asia Pacific (CSCAP) to look at these issues. (Its final report can be found at www.cscap.org and http://csis.org/files/publication/issuesinsights_vol11no07.pdf)

The report of the CSCAP Study Group presents two main areas where progress might be possible. The Joint Office of the Special Advisers to the UN Secretary-General on the Prevention of Genocide and the Responsibility to Protect is an underused mechanism. One of its main functions is to set in place platforms of dialogue with regional actors in order to facilitate exchanges about the RtoP. National governments in Asia should avail themselves of this mechanism and develop the networks, processes, and frameworks of reference that could be activated if the risk of mass atrocities were to become apparent in the region. A regular and sustained agenda of consultations between regional states and the Joint Office could be devised immediately to set this process in motion.

Asian states could also establish immediately a Regional Risk Reduction Centre focused on the development of early warning procedures regarding the four types of crimes meant to be addressed by the RtoP: genocide, war crimes, crimes

against humanity, and ethnic cleansing. The idea of such a Centre has been considered, for instance within the ASEAN Regional Forum, but without much success.

The CSCAP report notes, though, that conditions have changed considerably. Many state and nonstate actors in Asia would now support such a Centre because it could address the risk of mass violence before it erupts, and in a way that would not undercut established notions of national sovereignty - for instance, through the establishment of expert groups that would report to national governments in the region. China, for example, has made public its support for the establishment of that type of Centre. As the region struggles to find concrete mechanisms to address more directly the sources of conflict that have affected it in the past – witness the debates within ASEAN about preventive diplomacy – the development of such a Center could provide an interesting precedent.

These sorts of initiatives, while modest, would allow for a sustained discussion in Asia about the RtoP. They would also provide the region with points of entry within the global discussion about the RtoP that is sure to unfold as lessons of the intervention in Libya come to light. Given the importance of these questions, the time to act is now.

PacNet commentaries and responses represent the views of the respective authors. Alternative viewpoints are always welcomed.