

Policy Brief

Indonesia's Cherry-picking Stance on Responsibility to Protect

I. Background

At the 66th United Nations General Assembly Plenary Meeting, the discussion regarding the Responsibility to Protect (R2P) appeared, and the prevention of genocide, war crimes, ethnic cleansing, and crimes against humanity was held on the 18th of May 2021. This resolution was adopted through votes by; 115 Yes, 15 Against, and 28 Abstain.¹

This specific resolution meant making an annual agenda for the General Assembly to discuss the responsibility to protect and prevent genocide, war crimes, ethnic cleansing, and crimes against humanity. The responsibility to protect itself is a global and universal consensus to underline the steps and actions of the international community to address and prevent genocide, war crimes, ethnic cleansing, and crimes against humanity. This was unanimously adopted by all member states of the United Nations in 2005, consisting of three main pillars; the protection responsibilities of the state, international assistance and capacity-building, and decisive response. These three pillars are all critical and mutually reinforcing to one another for R2P to work effectively.²

Sadly, we were to find that Indonesia voted against this resolution. This step that the Government of Indonesia has made is not surprising at all. We have always acknowledged how the Indonesian Government always rejects any resolution made by the international community regarding a progressive and collective move to uphold human rights. The Indonesian Government always hides behind the reason of national sovereignty and intervention, while the R2P could be one of the

¹ Maria Elisa Hospita, "UN vote was procedural, not opposed to Responsibility to Protect: Indonesia", accessed from <https://www.aa.com.tr/en/asia-pacific/un-vote-was-procedural-not-opposed-to-responsibility-to-protect-indonesia/2248839> on 24 May 2021.

² Ivan Šimonović, "The Responsibility to Protect", accessed from <https://www.un.org/en/chronicle/article/responsibility-protect> on 24 May 2021

very tools of the international community to tackle and solve Human rights issues in Indonesia and globally.

II. Formulation of Problem

1. Indonesia on Responsibility to Protect (R2P)

Indonesia's position and support regarding R2P should not be underestimated. As one of the most populous countries globally, Indonesia holds a big responsibility and commitment to the R2P. With Indonesia's tremendous assets, population, emerging, and largest economy in the region (Southeast Asia), the R2P should not be taken for granted as Indonesia's strategic position and significance, including the implementation itself.

Indonesia has a moral responsibility to R2P because of its strong influence in the region, not only for Indonesia itself but also for ASEAN. Indonesia has been a solid and prominent supporter of the R2P, including the whole Southeast Asia region. By supporting R2P, Indonesia has gained tremendous political support from the international community on asserting Indonesia's leadership on implementing the R2P. Since the beginning, the Government of Indonesia showed a vast amount of desire always to assist the effective development of the R2P. As time goes by, this has raised Indonesia's profile on the international fora.³

If acknowledged, the R2P has plenty of advantages for Indonesia, starting from the possibility to get international funds and initiatives to process and strengthen the development of the R2P through donor states, including investments in the development aid sector and capacity building through security and mediation process within the principle. Not only that but also Indonesia will obtain a political gain to have a more robust and superior

³ Annie Pohlman, "Preventing Future Mass Atrocities in Indonesia: Implementing the Responsibility to Protect Within A Culture of Impunity", accessed from <https://core.ac.uk/download/pdf/15107691.pdf> on 25 May 2021

position in offering assistance to another country within the region, which in the end will further strengthen cooperation and relation between ASEAN states to build a more prosperous and harmonious region as what the ASEAN always been visioning. By showing alignment with the R2P, Indonesia can obtain political leverage as an authoritarian state about engaging in severe crime and violations of Human rights concerning the R2P.⁴

The core principles of R2P cling to international humanitarian law and the universal principles of Human rights. However, the implementation of the R2P itself is not as easy as it looks. This is especially true in the Southeast Asia region due to many factors, such as; atrocity crimes, past grave Human rights violations, inter-ethnic conflict, poverty, inequality, corruption, and impunity.⁵ As what is written above, Indonesia already has a high modality on implementing R2P on domestic affairs. The R2P can be the perfect tool for Indonesia to show leadership and commitment to solving past Human rights violations.

The challenge is within Indonesia's political bureaucracy, including the system itself. It prolongs the culture of impunity and the lack of political will so that the implementation of R2P would be very hard. Besides that, the concept of R2P itself is still hard to be understood by the Indonesian officials, this too is supported by a weak law system where stigmatization of the victims of past Human rights violations still exists, hence the officials' neutral position towards the majorities which worsen social construct within the society.⁶

⁴ *Ibid.*

⁵ Ruben Sumigar, "Implementasi Konsep R2P di Indonesia: Prospek atau Tantangan?", accessed from <https://elsam.or.id/implementasi-konsep-r2p-di-indonesia-prospek-atau-tantangan/> on 25 May 2021

⁶ *Ibid.*

Dealing with impunity and Human rights violations in the past is also a challenge for Indonesia. Lack of willingness and government accountability to solve past atrocities is hard to deal with. The traditional culture of impunity within the system, including the law, makes it even more corrupt and unable to solve violations with true justice. Even for the upcoming generations, it makes it hard to change the culture and strengthen the law's rule to bring those who committed a crime before the court. This then creates a vicious cycle of violence in Indonesia up until the present day.⁷

2. Core Problem of Indonesia's Decision on UNGA Resolution on R2P

As one of the many countries to adopt the R2P, Indonesia seems contradictory enough from what we have seen from the recent UNGA. We need to remember how Indonesia was one of the initiators and strong supporters of the R2P when it was created. Though the idea of R2P might be a new concept for the Southeast Asia region, it was believed that it would help bring peace, stability and enforce the role of international law within the region. This is too believed that the R2P will help to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity before it started.

Through their Official Representative Mission to the UN, the Government of Indonesia stated that the international community "should not have" to mistook the decision that they made. They clarify that they voted against the resolution does not mean they do not support the R2P. They said that the R2P should not be an annual agenda for the General Assembly, and any other ideas to enrich the R2P concept should not derail from the scope set out at the 2005 World Summit.⁸ This statement made by the Indonesian Mission to the UN sounds like a very defensive move to hide the facts and

⁷ Annie Pohlman, *Loc. Cit*

⁸ Kemlu, "The Responsibility to Protect and the Prevention of Genocide, War Crimes, Ethnic Cleansing, and Crimes Against Humanity.", accessed from <https://kemlu.go.id/newyork-un/en/news/13187/the-responsibility-to-protect-and-the-prevention-of-genocide-war-crimes-ethnic-cleansing-and-crimes-against-humanity> on 25 May 2021

real-time situation on what is happening in Indonesia. It clearly shows that Indonesia feels insecure if this agenda is to be brought annually in front of the General Assembly.

We all acknowledge the Human rights situation within the Southeast Asia region, particularly in Indonesia in Papua, and the recent Myanmar coup initiated in early February 2021 and still happening until this very day. It can be seen that this is another step back for the region, especially for Indonesia, to show its commitment to the international community within the international system to prevent mass atrocity crimes. The lack of commitment and competency, and understanding of the importance of R2P for the countries within the region—especially Indonesia—are afraid that the truth would unfold.

The Government of Indonesia is afraid that the adoption of this resolution can act as a "door" for the international community to bring up the issue in Papua. Many ongoing Human rights violations in Papua and the Indonesian Government are afraid it will jeopardize their interest within the region. Hiding the truth and the facts will never bring a better development for Indonesia; it will only further cover up the facts and make the situation worse for a long time. The Government of Indonesia does not show their alignment with R2P; even if the opposite, no developments nor progress have been made to tackle internal issues in Papua yet.

The Indonesian government's decision to vote against the resolutions showed their lack of commitment to put Human rights as the very priority on the agenda. It also shows Indonesia's low commitment to protect and uphold Human rights; even though Indonesia is now a non-permanent member of the UN Human rights Council, it somehow shows a contradictory position. Let alone Indonesia's international commitment to tackle international issues, and it also shows the commitment of the Indonesian

Government to solve domestic Human rights issues, both in the past and in the present time.⁹

It is a shame that the Republic of Indonesia chose not to agree to address the R2P as an annual agenda for the United Nations General Assembly. They want to run away from their responsibility, not only as a part of the multilateral organization but also as a part of the international community and its obligation as a sovereign state. Sovereignty should not be used as a defense mechanism to prevent massive Human rights violations; instead, it should be used as a more robust pillar and basis to fulfill its duty always to protect its civilians from any threat, both internally and externally. By always complying with the R2P, the state upholds Human rights values and respects the Universal Declaration of Human rights.¹⁰

3. Double Standard of The Government of Indonesia

Indonesia's foreign affairs on the international fora are famous for its "free and active" principle, but it also can be an excuse to use double standards on various international forums and debates solely for the sake of national interest. Though Indonesia has to protect its national interests abroad, it should not be used as an excuse to cherry-pick on issues that only look "promising" for the short term and not for the long term.

Indonesia has been very close and has a prominent relation with Palestine and has supported mass atrocities in Palestine. We, too, have seen how Indonesia always has been actively advocating the crisis in Palestine and at the same time condemning actions taken by Israel towards the Palestinian people. The Indonesian Government is always seen to use a

⁹ Rahel Narda Chaterine, "Amnesty Sayangkan Indonesia Tolak Pembahasan Resolusi Responsibility to Protect", accessed from <https://nasional.kompas.com/read/2021/05/21/11261491/amnesty-sayangkan-indonesia-tolak-pembahasan-resolusi-responsibility-to?page=all> on 25 May 2021

¹⁰ Global Centre For The Responsibility to Protect, "The Responsibility to Protect: A Background Briefing", accessed from <https://reliefweb.int/sites/reliefweb.int/files/resources/the-responsibility-to-protect-background-briefing.pdf> on 25 May 2021

"megaphone of humanity" to voice the voices of the Palestinian people, yet they refuse to do the same and tend to ignore what is happening in their own country. This double-standard stance of the Indonesian Government has been going on for so long that it has not changed until now. The hypocrisy that the Government of Indonesia has been doing cannot hide the massive violations of Human rights that are still occurring.

It must be highlighted that the prevention of mass atrocity crimes must start at home; if Indonesia does not align and cannot comply with the R2P, Indonesia has failed to be a state that upholds the Human rights principles violates its constitution. Prevention of mass atrocity crimes has always been the responsibility of States by working collectively through multilateral channels with the international community and working with national institutions, civil organizations, and other stakeholders so that peace and stability will prevail.

As the largest country in the Southeast Asia region, Indonesia should be aware of its capabilities and influence. Indonesia can be a good example for its neighboring countries to set an attitude of compliance and alignment with international law and the universally-consensus international norms. It is the responsibility of Indonesia to prevent mass atrocity crimes. Indonesia's membership as a non-permanent member of the UN Human rights Council means that Indonesia should always uphold universal Human rights values without picking those which only benefit them. It shows how the international community entrusted Indonesia to be an agent of advocacy and solve humanitarian crises at every level; domestic, regional, and global. Though Indonesia has been pretty vocal about several Human rights issues, they have not used their full capability to promote Human rights and only pick a few in line with their interests.

Inequality of treatment towards solving and tackling humanitarian crises on domestic and international issues is very contrasting in the case of Indonesia. Indonesia has always been very active in contributing to the international community by providing peacekeeping apparatus to the UN to be a part of their peacekeeping operation across the world. However, what is happening inside the country is devastating; several human rights issues in the past and present are somehow still not fully committed to solving.¹¹

III. Recommendation

Therefore, we recommend the Government of Indonesia to;

1. Fully deal with past Human rights atrocities, especially to bring those who committed past atrocity crimes before the court to use the practical function of the role of law;
2. Further, investigate the allegations of past Human rights violations throughout Indonesia;
3. Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the court;
4. Establish a domestic mechanism and framework to hold the administration accountable for compliance to R2P;
5. Act accordingly to the Rome Statute of the International Criminal Court so that Indonesia can act more in line with the universally agreed mechanism;
6. Conduct a national assessment of risk for the implementation of R2P on the domestic level;
7. Further strengthen regional and international networks through dialogue, discussions, and other related activities regarding R2P to fully understand its pillars;

¹¹ Zahidi, M. S. (2015). Double Standard Indonesia Dalam Diplomasi Kemanusiaan. *INSIGNIA*, 2(1), 77–78.