RESEARCH ARTICLE

Humanitarianism, Sovereignty, and ASEAN Mode of Governance: Another Perspective from the Global South

Nandang Sutrisno
Universitas Islam Indonesia
nandang.sutrisno@uii.ac.id

Abstract: As the world has become increasingly more connected, the nature of humanitarian problems has also become transnational. To confront them, as a consequence, international cooperation is inevitably needed. In particular, the ongoing Rohingya crisis is the latest example that showcases the state-centered model of ASEAN (or the Southeast Asian) model of regional cooperation that has failed in the area of humanitarian management. Furthermore, it suggests that ASEAN has abandoned the very purpose of its existence as it was conceived in its founding document, the Bangkok Declaration. Against this background, this paper argues that the region's failure cannot be separated from the region's rigid understanding of the notion of state sovereignty. Analytically speaking, this paper claims that the current conservative interpretation has significantly contributed to the dampening of the supposedly liberating nature of ASEAN. Thus, it is fair that this requires a healthy dose of a more progressive direction in the region's interpretation of within ASEAN. Moreover, this paper suggests that, should the region take a more progressive turn in its understanding of humanitarianism, it is highly plausible to transform the (conservative) Bangkok Declaration itself as starting point that necessitates "a primary responsibility" among its member states with regard to the advancement and protection of human values in the region and beyond. Given the current worldwide race among the nations to the bottom of ultra-nativism, this could be a fresh start for the region, and ASEAN in particular, to emerge as a leading champion of humanity.

Keywords: global south, governance, humanitarianism, regionalism, sovereignty

In today's debate on humanitarian intervention, the leading voices are predominantly promulgated by the legal scholars in the developed world (Barelli, 2018; Weiss & Collins, 2018; Weiss, 2016; Bass, 2008; Orford, 2003; Welsh, 2003; Wheeler, 2000; Chesterman, 2000). Although it may be understandable that the developing world tends to prioritize the more practical dimensions that may concretely contribute to the economic and other material developments (Gray & Gills, 2016), nevertheless, it is an unfortunate situation as the Western world only represents a small number of the world's population ("About," 2005). More than a decade ago, Coast (2002) observed that "[d]eveloping countries, currently account for 80 percent

of the world's population and 61 percent of the global total is accounted for by the population giants China and India" (p. 1).

A recent projection of the United Nations suggested that "[f]rom 2017 to 2050, it is expected that half of the world's population growth will be concentrated in just nine countries: India, Nigeria, the Democratic Republic of the Congo, Pakistan, Ethiopia, the United Republic of Tanzania, the United States of America, Uganda and Indonesia (ordered by their expected contribution to total growth)" ("World Population," 2017, par. 5). The absence of voices from the non-developed world is not only distorting the representativeness of the state of international legal discourse; but, more importantly, it ignores the very idea of the international legal system itself as a body of legal norms that serves the interest of the whole population of the world (Simma, 2009; Charney, 1993; Sauer, 1956). Moreover, the fact that most global conflicts are taking place within the developing world, it is important that the theory and practice of humanitarian intervention should be engaged by more viewpoints that originate from the implicated region ("Global Conflict Tracker," 2018).

It is important to add a different take on humanitarian intervention as a matter of utmost importance in light of some recent developments in the developing world that went largely unnoticed. In this vein, the failure of the international community to take into account India's practice of humanitarian intervention that resulted in the independence of Bangladesh is a case in point (Bass, 2015). To contextualize, the discussion that I present below will be profoundly informed by the so-called Rohingya crisis in the Southeast Asian region. That said, this paper uses the Rohingya crisis to inform the gravity of the failure of the current model of interstate relationships in the region. More specifically, this paper argues that the current model is heavily centered around the principle of the inviolability of state sovereignty. From that perspective, this ongoing crisis provides a window of opportunity for recasting the evolving debate, in particular, within the scholarly community of the developing countries on the cost of having a global legal system in decentralized interstate affairs.

Conceptually speaking, the general objective of this paper is to provide a critical addition to the debate revolving around the legality of humanitarian intervention as an international legal norm. At the regional level, this article aims to provide a critical

update on the theoretical construction of the Asian interstate practice that specifically addresses the current humanitarian crisis. The critical point of view that this paper is trying to raise by choosing the subject of the Rohingya crisis is that there is a clear and urgent need to propose a fresh take on humanitarian intervention as an increasingly important subject as the state boundaries are becoming more and more porous. This paper takes into account the current reality wherein the transnational movement of people is inevitable (Iskandar & Piper, 2016). Going further, it is important to make a meaningful shift in which the Third World international legal theorists adopt their own agenda, independence from their governments. As of now, it might be argued that the existence of an independent body of scholarly community in the area of international law is clearly about supporting the state agenda. In light of this, it should be no surprise that the only representative of Indonesia in the Asian Society of International Law, the only region's scholarly community on international law, is represented by a hawkish government official ("Governing Bodies," 2018).

As a result of being more theoretical rather than empirical in nature, the methodological aspect of the debate will be strongly influenced by recent theories in the literature of international politics. To complete the theoretical engagement, the discussion will also take advantage of many pertinent empirical investigations that are selectively chosen to enhance the theoretical claims that I advance. That said, the combination of some cutting-edge theoretical accounts with some practical development is hopefully successfully delineating some of the most abstract ideas. Less visible, the paper will also include some of the most important ethnographic studies that aim to explain the surrounding cultural notions that shaped the current debate. It is the ultimate goal for this paper to expand the current scholarly position on the subject of the promotion of humanitarian values beyond the Western geo-cultural sphere.

Background

As an international issue, humanitarian intervention has existed before the existence of international law (Bass, 2008). This historical fact cannot be separated from the humanitarian intervention character, which is closely related to daily problems faced by the individual

as moral creatures. Hence, the international law conception on humanitarian intervention covers almost all questions closely related to everyday problems of every human being in every corner of the globe. Almost every issue of humanitarian intervention more often than not correlates with the moral position of the intervening parties. Clearly, this cannot be separated from the notion of "humanitarianism" as its raison d'etre (Geyer, 2015). For instance, there is the question of whether or not it is legally justified to intervene with other countries to stop, for example, slavery or an authoritarian regime from committing a serious human rights violation. Thus, the major question that the humanitarian intervention as a legal norm has posed is, what are the legal limits for intervening on behalf of an oppressed population (Tesón, 1988). It follows that the next important substantive requirement is that in order to be a "legitimate" humanitarian intervention, it must improve the situation (Kaldor & Chinkin, 2018).

Admittedly, there has been some scholarly efforts that aim to address the above question. In general, the most common positions are to be found within two extremes. At one extreme, a group of scholars adopts a position that proscribes any act of intervention in any domestic affairs of other states (Brownlie, 1991). One of its prominent proponents, Oscar Schachter (1984), forcefully argued that any attempt to make the humanitarian intervention as legitimate legal principle would provide the powerful state "an almost unlimited right to overthrow governments alleged to be unresponsive to the popular will or the goal of self-determination" (p. 649). This legal position cannot be separated from a literal reading of Article 2(4) of the United Nations Charter that is essentially aimed to uphold the protection of another form of human rights as one of the Charter's founding principles (Greenwood, 1993). In other words, the illegality of humanitarian intervention is chiefly related to the supremacy of the collective human right to self-determination that manifested in the form of common articles of both ICCPR and ICESCR. More pointedly, as we will see later, the revolving debate on the legality of humanitarian intervention is a conflict of human rights norms (Geyer, 2015).

At the other end of the spectrum, however, another group of scholars proposed that the right of humanitarian intervention is a valid, and, therefore, legitimate international legal principle. Arguably, the most distinguished proponent of this position is Greenwood

(1993), who recognized that since the end of the Cold War era, there had been a shifting state practice in this regard. In addition, the inclusion of a cold realpolitik calculation supports the empirical side of the debate. In particular, Goodman (2006), based on his empirical finding, supported the counterintuitive proposal for the legalization of the unilateral humanitarian intervention as "it should . . . discourage aggressive wars by states that use the pretext of humanitarianism" (p. 110). Another supporting argument for this position comes from an ethicist, who adopted the consequentialist reasoning and argued that "[by] allowing humanitarian intervention in some cases . . . would promote overall well-being. So far from forbidding humanitarian intervention, consequentialist reasoning will support it . . ." (Mason & Wheeler, 1996, p. 106).

In the midst of the heated debate about the legality of humanitarian intervention above, it should be clear that there is something missing. That missing feature is the lack of diversity of the point of view on the subject that represents non-developed West. The failure to have a diversity of opinion, as noted by Mill (1863), is that it robs "the human race, posterity as well as the existing generation" (p. 35) to get to the elusive objective truth. Reasonably enough, this diversity of points of view creates what one might call a "marketplace of ideas" (Cate, 2010; Gordon, 1997). This marketplace of ideas relies on the assumption of infallibility; that is, any opinion is still something up for debate and, hence, its validity is still open for further debate. In consequence, Cate (2010) identified that "[d]issenting speech helps maximize the benefits . . . both by presenting individuals with alternatives to their beliefs and by promoting certain character traits that increase the level and independence of thought" (p. 81). Thus, Blocher (2008) concluded that "free speech, like the free market, creates a competitive environment in which the best ideas ultimately prevail" (p. 821).

In the same vein, the *Nature*'s editorial for its 2014 special issue on diversity ("Diversity Challenge," 2014) unequivocally suggests that "[t]here is growing evidence that embracing diversity – in all its senses – is key to doing good science" (p. 279). Hence, it is fair to argue that without it, the international legal system will be unable to adapt effectively to changes brought about by many non-legal developments. In other words, the failure of having a diversity of thought, in turn, will deteriorate the capacity of international law itself to stay relevant in an ever-changing world. As Wood

(2008) put it, "[d]iversity of thought introduces not only differences of perspective, but also differences in approach" (p. 3).

For some reason or another, it is unsurprising that only a small number of the Global South-based scholars have intensively worked on international legal issues. In this vein, de la Rasilla (2018) remarked that one major consequence is that "[the] subsequent [of international and comparative law journals] geographical expansion towards Asia, Oceania and, to a lesser extent, the Middle East and Africa" (p. 139) is a phenomenon that happened very recently. Based on the Clarivate Analytics' "Source Publication List for Web of Science" (2017) that keeps track of the world's most-cited journals, economically developed East Asia is the only region that contributes to the list. Evidently, it is unreasonable to expect that Global South-based scholars can fully and effectively contribute to the discourse. In this light, the rest of the discussion in this paper may appropriately be seen as a modest attempt to address this literature deficiency on the question of humanitarian intervention.

Revisiting the Old Debate

It should be obvious from the above that there is only a handful of published scholarly works on the third world perspectives on humanitarian intervention. Arguably, the most important work of all is written by Ayoob (2004), a leading theorist on the third world in international relations. Despite the scarcity of specific works that deal with the question of humanitarian intervention from the standpoint of developing countries, Ayoob (2004) claimed that any formulation on third world perspectives on the international administration of war-torn territories "are linked in substantial measure to third world perspectives on humanitarian intervention" (p. 99). It should be clear that the conception of humanitarian intervention is central in third world conceptualization of their theories and, therefore, translated into their practices in international affairs.

Going further, Ayoob (2004) identified the so-called shared substantial similarities that, chief among them, emanates from the third world's "generally suspicious orientation" toward humanitarian intervention, and this forms their starting point (p. 99). Naturally, this suspicion is related to the developed countries that have consistently applied double standards in their international dealings. It is worth noting, however, that the practice of double standards is unavoidable. Arguably, these Western practices of double standards have hardened the developing countries' views in supporting a more conservative global order. That said, the developing world moves to embrace the closed-off model, where state sovereignty is its only fundamental norm.

Strongly rooted in the Marxist tradition, Chimni (2004), a leading figure of the Third World Approach to International Law (TWAIL), constructed an imperial global state that functions solely "to realize the interests of an emerging transnational capital and powerful states in the international system to the disadvantage of third world states and peoples" (p. 1–2). This imperial global state is enabled by international law. Suspicions run deep. It should be no surprise when Chimni (2004) asserted that "the United Nations (UN) has embraced the neo-liberal agenda and is being geared towards promoting the interests of transnational capital" (p. 2). Thus, any branch of international law is an enabler of this heinous system. Accordingly, Chimni (2007) asserted that the expansion of the international human rights regime should be interpreted as "the creation of a *global human rights space* that parallels the *global economic space*" (p. 206).

In a highly decentralized legal system, such as international law where enforcement is essentially voluntary but, at the same time, power inequality among its participants is stark, it is uncommon to find that many Global South lawyers dismiss international law as something irrelevant. At its extreme, Juwana (2012) rebuked international law as nothing but "a law of the jungle" (p. 106) as it serves "as an instrument to exert pressure, an instrument for intervening [in] other states domestic affairs without being considered as a violation and it can also be used to justify states' actions" (pp. 114). It should be no surprise that the practice of the wholesale rejectionists is common among the Asian states that blatantly delegitimized refugee laws as it is considered to be representing the Eurocentric practices in refugee recognition (Davies, 2006).

Supposedly, this strong suspicion toward the international legal system has hardened their interest in reviving the absolutist notion of state sovereignty in the current practice of international affairs. The developing countries' embrace of the absolutist notion of sovereignty can be understood as an Eastern paradox

(Ginsburg, 2011). More importantly, the adoption of an absolutist notion of sovereignty is not only theoretically problematic but, more importantly, it has unwittingly increased the vulnerability of the population of the Global South. It is believed that a system based on a full acknowledgment of the sovereignty of each member as its basic rule will increase the independence of every sovereign in managing their own internal affairs (Ginsburg, 2011). Interestingly enough, it raises another serious issue that is frequently serving no one but the ruling class. Moreover, it becomes the ultimate shield that covers any human rights abuses by the homegrown despots that are desperate for more power. More often than not, the appropriation of the Westphalian sovereignty by developing countries has exacerbated the domestic rule of the law building process (Iskandar, 2018b).

In particular, the ultra-nationalist rhetoric has legitimized the existence of the far-right discourse on nation-building; post-authoritarian Indonesia is a case in point (Iskandar, 2016a). The staggering numbers of a variety of street thug organizations that take advantage of some of the readily available populist creeds is one example. In addition to making a specific reference to reviving an ethnocultural pride, some are willfully appropriating religion in order to boost their sociological legitimacy (Iskandar, 2019). As with many other developing countries, Indonesia is a poster boy for what Jackson (1996) defined as a quasi-state that lacks the capacity to function as a normal state. Hence, it should be no surprise that having sociological recognition can lead to gaining coveted legal legitimacy. In fact, this extralegal player has played a decisive role in many regional elections.

In this respect, it is reasonable to expect that there are some limiting factors in regard to how to discipline the leviathan. One way of introducing a limiting factor is by opening up the national legal system to the adoption of unorthodox sources such as those of international law. In this transnationalized age, seizing this opportunity can be translated as embracing a pragmatic outlook in the national effort of the rule of law building. In particular, this pragmatism recognized international law as an indispensable tool in harnessing the challenges and opportunities that the democratization process presents (Iskandar, 2018a). In Ginsburg's (2006) empirical analysis of the domestic function of international law, it is noted that international law "is a particularly useful device

for certain kinds of states, namely those that are undergoing a transition to democracy. By bonding the government's behavior to international standards and raising the price of deviation, international law commitments in the constitution may help to 'lock in' democracy domestically by giving important interest groups more confidence in the regime" (p. 712).

Unfortunately, this opportunity has not been fully explored. On the contrary, the recent development seems to disregard the potentials of international law in the face of the failure of the domestic legal arrangement. As Iskandar (2016b) rightly pointed out that, in the case of Indonesia, eschewing international law "has produced a distinct discourse on human rights that . . . eventually hurts the very objective of the human rights movement itself which promotes the rights of human beings, not only national citizens" (p. 3). More recently, a group of civil society activists has challenged the process of the internalization of international legal norms (Iskandar, 2018a). Needless to say, at a regional level, the rejection of international law is not an isolated phenomenon. The rejection of international law has appeared to be a shared trait of many, if not all, influential countries in the Southeast Asian region (Davies, 2006). Thus, it should be no surprise that one major implication is that the ASEAN, as the only region's project of regionalization, has become the world's least developed (Baik, 2013).

Making a Fresh Start

What one can imply from the above discussion is that the prevailing model of interstate relationships will have difficulty in delivering its promise, that is, to realize ASEAN as a common platform to grow the community voice of the region (Tay, 2013). Moreover, as the Rohingya crisis clearly suggests, a new kind of interstate relationship is needed. The current model that is based on the notion of the absolutism of state sovereignty has not only impeded the evolution of the interstate system but, more importantly, it has paralyzed the system to respond to any crisis that requires an immediate response (Iskandar, 2018c). In addition to the reputational damage that it has caused, this prolonged inaction has generated many humanitarian costs that are supposedly avoidable. In fact, it may be ascribed that inaction has aggravated the humanitarian scale that propelled it as "the world's fastest growing humanitarian crisis" (BBC News, 2017). Hence, it is

fair that the Rohingya crisis should be considered as the ultimate wake up call for the region to revisit their model of interstate engagement.

For a start, suffice it to say that it is not the time for going back to the business as a usual ritual. Meaning, there has to be a major breakthrough in the region's dealings with cross-border issues. In particular, it is no longer avoidable that there are many emerging transnational issues that have left individual states completely incapacitated. In many cases, it is not uncommon to find that the system generates superficial responses that satisfy nothing but diplomatic necessity. Worse, as in the case of Rohingya, the system is rendered non-functional.

In this light, it is important to re-examine the rigid application of state sovereignty as the underlying premise of the interstate interaction system that the region has persistently maintained. Rather than serving as an erosion of state sovereignty, ASEAN has paradoxically fomented a systematic weakening of the system. As one observer rightly put it, "[w]hen approached with multilateral institutions such as the EU in mind, ASEAN makes little sense" (Kvanvig, n.d., p. 1). Hence, it is reasonable to assert the claim that this system failure has resulted from the rigid application of the principle of non-interference. To be sure, this principle is a straightforward deduction of the inviolability of state sovereignty. As a result, each state member is an island unto itself. In other words, any supranational agreement, regardless of its nature, is, in practice, non-enforceable. Going further, this self-imposed conception has impeded, if not thwarted, any attempt that requires domestic legal transformations.

It is clear that an immediate action that sensibly rectifies the sluggishness of the region's supranational mechanism is none other than starting to accept a slightly modified conception of state sovereignty as the governing principle in the region's interstate affairs. This can be translated as a swift adoption of the implied side of being a sovereign state, that is, a responsibility to protect the humanitarian values. This notion of sovereignty embraces a more responsibility-oriented model of domestic governance. Accordingly, this model recognizes that there is a legitimate limit to the application of a non-interference principle. For that reason, once the limit, such as the existence of a gross violation of human rights, has been crossed, the applicability of the principle is qualitatively applied.

The genuine acceptance of this model is supposed to increase the swiftness of the system, especially when it faces a plethora of debilitating humanitarian crises. To be fair, it might propel a conservative concern as it will aggravate the already fragile region. At first blush, it is a valid objection as ASEAN has been riddled with suspicion among its member states. Admittedly, this has been the very reason behind the region's failure to conceive its own dispute mechanism (Sim, 2014). On the contrary, the injection of a healthy dose of humanitarianism will very likely be a boost for the struggling ASEAN to broach the domestic psyche of the population. Enabling ASEAN to engage in various issues that are close to the everyday concerns of the people will no doubt benefit the current campaign that promotes the idea of "We, the ASEAN people." In the long run, the adoption of an infused humanitarian state sovereignty would significantly contribute to the robustness of the process of regional integration.

Conclusion

To conclude, it is important to reiterate that the historic foundational idea of ASEAN is creating "One Vision, One Identity, [and] One Community" in the region. Thus, it is no surprise that interfering in the internal affairs of other states is also a strong feature in regional politics in Southeast Asia (Jones, 2012). To achieve it, one should look no further than "[the] short, simply-worded document containing just five articles [that] declared the establishment of an Association for Regional Cooperation" the latter known simply as ASEAN ("History," n.d., par. 2). More specifically, this founding document, better known as the Bangkok Declaration, explicitly recognized that "the countries of Southeast Asia share a *primary responsibility* [emphasis added] for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development" ("The ASEAN Declaration," 1967). By recognizing that there is a "primary responsibility," it should not be controversial for the region to progressively move forward toward a more responsive system that works for the betterment of its population. In fact, the introduction of a more responsive model of interstate relations in the region is a welcome tweak toward a more humanized face of Southeast Asia.

Declaration of ownership

This report is my original work.

Conflict of interest

None.

Ethical clearance

This study was approved by the institution.

References

About. (2005). *American University Center for the Global South*. Retrieved from http://www1.american.edu/academic.depts/acainst/cgs/about.html

Ayoob, M. (2004). Third world perspectives on humanitarian intervention and international administration. *Global Governance, 10*(1), 99–118. Accessed from https://www.jstor.org/stable/27800512

Baik, T. (2013). *Emerging human rights system in Asia*. Cambridge: Cambridge University Press.

Barelli, M. (2018). Preventing and responding to atrocity crimes: China, sovereignty and the responsibility to protect. *Journal of Conflict and Security Law, 23*(2), 173–201. https://doi.org/10.1093/jcsl/kry016

Bass, G. J. (2008). *Freedom's battle: The origins of humanitarian intervention*. New York: Alfred A. Knopf.

Bass, G. J. (2015). The Indian way of humanitarian intervention. *Yale Journal of International Law, 40*(2), 227–294. Retrieved from https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1465&context=yjil

Blocher, J. (2008). Institutions in the marketplace of ideas. *Duke Law Journal, 57*(4), 821–889. Retrieved from https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1346&context=dlj

Brownlie, I. (1991). *International law and the use of force by states*. Oxford: Clarendon Press.

Cate, I. M. T. (2010). Speech, truth, and freedom: An examination of John Stuart Mill's and Justice Oliver Wendell Holmes's free speech defenses. *Yale Journal of Law & the Humanities, 22*(1), 35–48. https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1354&context=yjlh

Charney, J. I. (1993). Universal international law. *American Journal of International Law, 87*(4), 529–551. https://doi.org/10.2307/2203615

Chesterman, S. (2000). *Just war or just peace? Humanitarian intervention and international law*. Oxford: Oxford University Press.

Chimni, B. S. (2004). International institutions today: An imperial global state in the making. *European Journal of International Law, 15*(1), 1–37. https://doi.org/10.1093/ejil/15.1.1

Chimni, B. S. (2007). A just world under law: A view from the south. *American University Law Review, 22*(2), 199–220. Retrieved from https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1117&context=auilr

Coast, E. (2002). Population trends in developing countries. *LSE Research Online*. Retrieved from http://eprints.lse.ac.uk/268/1/Arnold.pdf

Davies, S. E. (2006). The Asia rejection? International refugee law in Asia. *Australian Journal of Politics and History, 52*(4), 562–575. https://doi.org/10.1111/j.1467-8497.2006.00433a.x

Diversity challenge [Editorial]. (2014, September 14). *Nature, 513*, 279.

Geyer, M. (2015). Humanitarianism and human rights. In F. Klose (Ed.), *The emergence of humanitarian intervention: Ideas and practice from the nineteenth century to the present* (pp. 31–55). Cambridge: Cambridge University Press.

Ginsburg, T. (2006). Locking in democracy: Constitutions, commitment, and international law. *NYU Journal of International Law & Politics 38*(4), 707–760. Retrieved from https://nyujilp.org/wp-content/uploads/2013/02/38.4-Ginsburg.pdf

Ginsburg, T. (2011). Eastphalia and Asian regionalism. *University of California at Davis Law Review, 44*(3), 859–877. Retrieved from https://lawreview.law.ucdavis.edu/issues/44/3/Concept%20of%20Asia%20in%20International%20Law/Ginsburg.pdf

Global conflict tracker. (2018, November 26). *Council of Foreign Affairs*. Retrieved from https://www.cfr.org/interactives/global-conflict-tracker#!/global-conflict-tracker

Goodman, R. (2006). Humanitarian intervention and pretext for war. *American Journal of International Law, 100*(1), 107–141. https://doi.org/10.2307/3518833

Gordon, J. (1997). John Stuart Mill and the "marketplace of ideas." *Social Theory & Practice, 23*(2), 235–249. Retrieved from https://www.jstor.org/stable/23559183

Governing bodies. (2018). Asian Society of International Law. Retrieved from https://www.asiansil.org/about-us/governing-bodies/

Gray, K., & Gills, B. K. (2016). South–South cooperation and the rise of the Global South. *Third World Quarterly, 37*(4), 557–574. https://doi.org/10.1080/01436597.2015.1128817

Greenwood, C. (1993). Is there a right of humanitarian intervention? *The World Today, 49*(2), 34–40. Retrieved from https://www.jstor.org/stable/40396480

History. (n.d.). *ASEAN*. Retrieved from https://asean.org/asean/about-asean/history/

Iskandar, P. (2016a). Pancasila delusion. *Journal of Contemporary Asia, 46*(4), 723–735. https://doi.org/10.1080/00472336.2016.1195430

Iskandar, P. (2016b). Constitutionalizing human rights universality in non-constitutional legal system: Decoding Indonesian human rights brouhaha. *Indonesian Journal of International & Comparative Law, 3*(1), 3-42. Retrieved from http://international.vlex.com/vid/constitutionalizing-human-rights-universality-592364282

Iskandar, P., & Piper, N. (2016). Why low-skilled migration matters. *Indonesian Journal of International & Comparative Law, 3*(3) 577–581. Retrieved from http://international.vlex.com/vid/why-low-skilled-migration-646584445

Iskandar, P. (2018a, October 31). A democracy needs international law [Blog post]. Retrieved from https://www.ijil.org/blog/a-democracy-needs-international-law

Iskandar, P. (2018c). Non-citizen rights in ASEAN: The need to chart a new course. *Social & Legal Studies, 27*(2), 180-199. https://doi.org/10.1177/0964663917746485

Iskandar, P. (2018b). Indigenizing constitutionalism: A critical reading of "Asian constitutionalism." *Indonesian Journal of International & Comparative Law, 5*(1), 3–42. Retrieved from http://international.vlex.com/vid/indigenizing-constitutionalism-critical-reading-708064953

Iskandar, P. (2019). Religious constitutionalism: An interpretive reading. *Indonesian Journal of International & Comparative Law, 6*(1), 55–93.

Jackson, R. H. (1996). *Quasi-states: Sovereignty, international relations and the third world.* Cambridge: Cambridge University Press.

Jones, L. (2012) *ASEAN, sovereignty and intervention in Southeast Asia.* London: Palgrave Macmillan.

Juwana, H. (2012). Hukum internasional sebagai instrumen politik: Beberapa pengalaman Indonesia sebagai studi kasus [International law as a mean to politics: Some Indonesian cases]. *Arena Hukum, 5*, 106–114. https://doi.org/10.21776/ub.arenahukum.2012.00502.4

Kaldor, M., & Chinkin, C. (2018, April 22). The "doctrine of humanitarian intervention": And how it exposes the absence of any serious intention to help Syrians. *openDemocracy*. Retrieved from https://www.opendemocracy.net/mary-kaldor-christine-chinkin/doctrine-of-humanitarian-intervention-and-how-it-exposes-absence-of-an

Kvanvig, G. (n.d.). *ASEAN, sovereignty and human rights*. Retrieved from https://www.jus.uio.no/smr/english/about/programmes/vietnam/docs/asean-sovereignty-and-human-rights---gisle-kvanvig.pdf

Mason, A., & Wheeler N. (1996). Realist objections to humanitarian interventions. In B. Holden (Ed.), *The ethical dimension of global change* (pp. 94–110). Basingstoke: Macmillan Press.

Mill, J. S. (1863). *On liberty.* Boston: Ticknor & Fields.

Orford, A. (2003). *Reading humanitarian intervention: Human rights and the use of force in international law.* Cambridge: Cambridge University Press.

de la Rasilla, I. (2018). A very short history of international law journals (1869-2018). *European Journal of International Law, 29*(1), 137–168. https://doi.org/10.1093/ejil/chy005.

BBC News. (2017, October 19). *Rohingya crisis: The world's fastest growing humanitarian crisis* [Video file]. Retrieved from https://www.youtube.com/watch?v=KT7QUzJg0aM

Sauer, E. (1956). Universal principles in international law. *Transactions of Grotius Society, 42*, 181–191. Retrieved from https://www.jstor.org/stable/743133

Schachter, O. (1984). The legality of pro-democratic invasion. *American Journal of International Law, 78*(3), 645–650. https://doi.org/10.2307/2202602

Sim, E. (2014). The outsourcing of legal norms and institutions by the ASEAN economic community. *Indonesian Journal of International & Comparative Law, 1*(1), 314–332. Retrieved from http://international.vlex.com/vid/outsourcing-institutions-asean-community-501594042

Simma, B. (2009). Universality of international law from the perspective of a practitioner. *European Journal of International Law, 20*(2), 265–297. https://doi.org/10.1093/ejil/chp028

Source publication list for web of science. (May 2017). *Clarivate Analytics*. Retrieved from http://mjl.clarivate.com/publist_ssci.pdf

Tay, S. (2013). *Growing an ASEAN voice? A common platform in global and regional governance*. Retrieved from http://www.eria.org/ERIA-DP-2013-16.pdf

The ASEAN Declaration (Bangkok Declaration) Bangkok. (1967, August 8). *ASEAN*. Retrieved from https://asean.org/the-asean-declaration-bangkok-declaration-bangkok-8-august-1967/

Tesón, F. R. (1988). *Humanitarian intervention: An inquiry into law and morality.* New York: Transnational Publishers.

Weiss, T. G. (2016). *Humanitarian intervention: Ideas in action.* Cambridge: Polity Press.

Weiss, T. G., & Collins, C. (2018). *Humanitarian challenges and intervention: World Politics and the Dilemmas of Help.* New York: Routledge.

Welsh, J. (2003). Introduction. In J. M. Welsh (Ed.), *Humanitarian intervention and international relations* (pp. 1–7). Oxford: Oxford University Press.

Wheeler, N. J. (2000). *Saving strangers: Humanitarian intervention in international society.* Oxford: Oxford University Press.

Woods, S. (2008). *Thinking about diversity of thought* [Working Paper]. Retrieved from https://digitalcommons. ilr.cornell.edu/cgi/viewcontent.cgi?article=1106&conte xt=workingpapers

World population projected to reach 9.8 billion in 2050, and 11.2 billion in 2100. (2017, June 21). United Nations. Retrieved from https://www.un.org/development/desa/ en/news/population/world-population-prospects-2017. html