

Dynamics of ASEAN as Regional Organization in Resolving Human Security Issues in Southeast Asia

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Abstract

This study examines the dynamics of ASEAN as a regional organization in the context of the shifting security paradigm from traditional state-centric security to non-traditional human security, with a specific focus on natural disaster management. Southeast Asia is highly vulnerable to massive, cross-border natural disasters that often overwhelm national capacities. However, the prevailing "ASEAN Way," which emphasizes the principles of absolute state sovereignty and non-intervention, creates significant obstacles to effective humanitarian response, particularly when member states are unable or unwilling to accept aid due to internal conflict or lack of capacity. Using normative legal research methods based on secondary legal materials, this article argues that the principle of state sovereignty must be reinterpreted as a responsibility to protect human rights rather than a barrier to international aid. The study concludes that to resolve human security issues effectively, ASEAN must strengthen the principle of international cooperation and ASEAN centrality. This includes empowering the ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre) and the ASEAN Secretary-General to play a more active, independent role in decision-making during humanitarian emergencies.

Keywords: ASEAN, Human Security, State Sovereignty, Non-Intervention Principle



INTRODUCTION

Today there has been a shift in the concept of human security. This has been the case since the end of World War II and the Cold War triggered by globalization. In the past when war was still turbulent, security threats were always interpreted as threats from abroad, so security was focused on securing the country such as securing border issues, testing weapons and military equipment and preventing war. In other words, security is about threats to the country's important values, territorial integrity, and political sovereignty. This concept is referred to as the traditional concept of security. Over time, globalization that has taken place in the past decade has resulted in changes in relations between countries (Century, 2004). Information, capital, and people move very quickly across all national borders (Loetan, 2003). This lifestyle change is what causes changes in the concept of security. Today, the concept of security is beginning to be directed at individuals and is no longer limited to the state. Human safety issues such as environmental damage (natural disasters), spread of disease (HIV/AIDS, Avian Influenza), human and drug trafficking, and international terrorism are categorized as threats to individuals (Gomez, 2014). This concept is defined as human security or non-traditional security (Richmond, 2013). The concept of non-traditional security (human security) has now become a global agenda, since it was initiated by the Millennium Development Goals Program (MDGs) by the United Nations in 2000 in the Millennium Declaration signed by 147 Heads of State (Oratmangun, 2003).

In this article, the issue of human security in the Southeast Asia region that will be reviewed more deeply is the problem of handling natural disasters. Southeast Asia is the region most vulnerable to natural disasters. Between 1970 and 2009, there were 1,211 natural disasters in Southeast Asia that left 414,900 people dead. The threat of disaster can occur at any time and does not know the borders of the country. Natural disasters have caused suffering to mankind, so it can be said that natural disasters are a problem for human security (Gasper, 2012). Over time, natural disasters continued to hit the Southeast Asian region (Loh, 2005). Often natural disasters occur on a large scale and across national borders become one that makes the national mechanisms of ASEAN member states unable to overcome them (Avgar, Recent, & Kaplan, 2007).

The principle of state sovereignty and non-intervention is at the core of the ASEAN mechanism known as *the ASEAN WAY* (Katsumata, 2003). This principle is strongly enforced by ASEAN member states in the Southeast Asia region (Nurhidayah, Alam, & Lipman, 2015). Examples can be seen in some cases, such as in relations between countries or the resolution of conflicts that occur in the territory of ASEAN member states, this principle is seen as a sufficiently effective guideline to prevent friction arising from relations between those countries. However, when it comes to addressing human security issues in Southeast Asia, particularly in dealing with natural disasters in the Southeast Asian region, there are still pros and cons regarding the effectiveness of the application of the principle of state sovereignty and the principle of absolute non-intervention in Southeast Asia by ASEAN member states.

Therefore, the article will analyze what is wrong with ASEAN's mechanisms for dealing with



natural disasters in the Southeast Asian region and provide an explanation of the importance of applying the principle of international cooperation with ASEAN centrality in the process of managing natural disasters that are cross-border, massive, and occur in armed conflicts in the Southeast Asian region.

Based on the background of the problem that has been described, then the formulation of the problem in this article is; Why is ASEAN Way experiencing obstacles in handling human safety issues, especially in handling natural disasters that occur in Southeast Asia? And what is the proper ASEAN mechanism in dealing with natural disasters in Southeast Asia?

This paper uses normative legal research methods, which focus on secondary data as primary data. This data is obtained through literature studies. Based on the collection of secondary data, the data obtained is in the form of primary legal materials (legislation in this case related to ASEAN and human security, especially in the handling of natural disasters), secondary legal materials (books, scientific papers, research results related to ASEAN and humans). security, especially natural disaster management), as well as tertiary legal materials (Indonesian dictionaries and black law dictionaries/ legal dictionaries. The type of data analysis used is qualitative data.

ASEAN as a Regionalization Model in Southeast Asia

Regionalization is a bridge between state sovereignty and globalization. *Victor Bulmer Thomas* once said, "In terms of policy, almost every country in the world has been chosen to face the challenges of globalization through a regional response (Thomas, 2001)." Regionalization has been a topic of discussion at the United Nations, particularly in relation to the UN system (Wilcox, 1965). Article 52-54 Chapter VIII of the UN Charter mentions the role of regional international organizations. There is no provision in the UN Charter that precludes the arrangement of regional international organizations to deal with world peace and security issues in a manner appropriate to the region as long as it is in accordance with the objectives and principles of the UN Charter. Furthermore, the United Nations International Court of Justice also recognizes the regionalization reflected in the 1950 Asylum Case, in which case the International Court of Justice considers the practice of states in granting asylum and concludes that there is no uniformity in (Bishop, of International Law) its application.

Regionalization is often formalized in the form of regional international organizations or often referred to as regional organizations. Regional organizations are,

Segments of the world are bound together by a set of general objectives based on geographical, social, cultural, economic, or political ties and have formal structures governed in formal intergovernmental agreements (Tripathi, 2010).

Regionalization conducted in Southeast Asia before the establishment of ASEAN in 1967



included the Association of Southeast Asia (ASA), MalayaPhilipina-Indonesia (MAPHILINDO), South East Asian Ministers of Education Organization (SEAMEO), South East Asia Treaty Organization (SEATO) and the Asia and Pacific Council (ASPAC). ASEAN is a regional international organization in southeast Asia that still exists today. ASEAN was established by 5 countries namely Indonesia, Singapore, Malaysia, Philippines and Thailand. ASEAN currently has 10 member states: Indonesia, Malaysia, Thailand, Singapore, philippines, Myanmar, Cambodia, Laos, Vietnam, and Brunei Darussalam. East Timor is still a reviewer (Acharya, 2014) (Ciorciari, 2017) (Rudiany, 2015).

The term Southeast Asia was first introduced by allied forces in the Southeast Asian region at that time under the name of Southeast Asia Command based in Colombo, because the Southeast Asian region was occupied by Japan during World War II (International & Anugrah, 2013).

ASEAN aims to enhance the economic growth, social progress, and cultural development of its member states, as well as promote peace at the regional level that is still in the cooperative and yet integrative stage (Kim, 2011). From 1967 to 2008, the interaction of ASEAN countries was based on the Bangkok Declaration or ASEAN Declaration which is essentially a political statement that is not binding on the rights and obligations of member states and organizations under the law/ constitution (Farida, 2009). Since 2008 ASEAN has been transformed into an intergovernmental organization. This was reinforced by the adoption of the ASEAN Charter as the ASEAN basic statute replacing the ASEAN Declaration on 14 December 2008, in Thailand at the 14th ASEAN Heads of State meeting (Chalermphanupap, 2009).

Principles of State Sovereignty and Non-Intervention as the Heart of ASEAN

The existence of the state is fully supported by the principle of state sovereignty. Theorist of state sovereignty argues that sovereignty is not in God's hands, but in the state (Puspita, 2015). This view is taken from the teachings of *Machiavelli* which was later developed by *Jean Bodin* and *Georg Jellinek*. *Jean Bodin* argued that state sovereignty is the most fundamental thing of an entity, namely the state, without the sovereignty of no state. The Montevideo Convention of 1933 on the Rights and Obligations of States also states that the sovereignty of the state is the most important element of an entity to be called a state (Kusumawardhana & Zulkarnain, 2016).

There are basically two theories about state sovereignty, namely the theory of absolute state sovereignty and the theory of democratic state sovereignty (Riyanto, 2012). The theory of absolute state sovereignty states that only the state that is the sole ruler of the law-makers and the freedom of its citizens is restricted. As for the theory of democratic sovereignty, state sovereignty is only in certain matters so that the rights and individual characteristics of its citizens are maintained. In its development, the theory of sovereignty of a democratic country has given birth to a new theory, namely the theory of relational sovereignty (Riyanto, 2012). Based on this theory as put forward by *Helen Stacy*, the serious and widespread danger that threatens the



survival of citizens on a country's territory is proof that sovereignty is not an absolute bulwark for international intervention. The existence of a major humanitarian disaster or crisis on the territory of a country can be the basis for reassessing the essence or existence of the theory of state sovereignty. (Riyanto, International Legal Review on the Influence of State Sovereignty on The Protection of Internally Displaced Persons, 2009)

The shift in the meaning of state sovereignty, from a state as a sole ruler to a state with limited rights, was influenced by the effects of the 1648 Westphalia Peace Treaty. The Peace Treaty of Westphalia of 1648 was the treaty that ended the war of Europe for thirty years. At that time came philosophers who corrected the absolute nature of state sovereignty such as (Richmond O. , 2002) (Kayaoglu, 2010) *John Locke* (1632-1704) and *Montesquieu* (1689-1755). Absolute state sovereignty should be restricted because it would be contrary to human rights. The principle of absolute state sovereignty will preclude the acceptance of international obligations by states to protect their citizens. In addition, the sovereignty of the state as the holder of the highest power also has limitations,

The development of the doctrine of responsibility for protecting international law has strengthened restrictions on the application of the theory of state sovereignty. *Otto von Feigenblatt* argued that "the responsibility to protect refers to the duty of the international community to intervene in other countries to prevent or stop gross violations of human rights, with or without the consent of the host country". In this pattern, there is intervention in a country even though the intervention referred to here is humanitarian intervention. In addition, *Robert McCorquodale* also states that "his language in international law in relation to territorial boundaries should be within the framework of an international community that is inclusive for all, allows all to find and use their voices, be creative in identity opportunities, and recognize diversity in the international community" (McCorquodale & Simons, 2007). In his view, the notion of sovereignty is understood as sovereignty for all mankind and should not be abused by tyrants as a shield to protect against external pressures (McCorquodale & Simons, 2007).

The existence of the principle of state sovereignty always coincides with the principle of non-intervention. The definition of intervention in the context of international law under the *Black Law Dictionary* is, "one nation intervenes by force, or threat of violence, in the internal affairs of another nation or in questions arising between other nations" (Garner, 2004). *Philip C. Jessup* said, *Intervention may or may not involve the use of force. Often a strong country undermines the political independence of another weaker country without actually using its armed forces. This result can be achieved by giving open consent, such as by loosening the arms embargo, to revolutionary groups led by individuals ready to accept political or economic domination of the intervening state. This can be achieved by withholding recognition of the new government, combined with various forms of economic and financial pressure until the will of a stronger state wins through the resignation or overthrow of the government is not approved* (Macmillan, Review of International Studies Journal).



International law expressly rejects the existence of concrete interventions with the recognition of the principle of non-intervention as the principle of international law. The existence of this principle can be found in Article 2 paragraphs (1), (4) and (7) of the Charter of the United Nations. In addition, the United Nations in Un General Assembly Resolution No. 2625 of 1970 on the Declaration of Ineipity of Intervention in the Internal Affairs of States and the Protection of Independence and Sovereignty and in the Declaration of Principles of International Law on Friendly Relations and Cooperation Between States in accordance with the Charter of the United Nations also stated the importance of the existence of the principle of non-intervention in relations between states. Based on the declaration it can also be known that intervention is a violation of international law and gives rise to international accountability.

A 1986 International Court of Justice ruling on the "Military and Paramilitary Activity" case between Nicaragua and the United States has reinforced the principle of non-intervention in international law. In Paragraphs 202-209 the International Court of Justice's Ruling states that,

The principle of non-intervention involves the right of any sovereign state to conduct its affairs without the interference of outsiders, although instances of violations of this principle are not uncommon; The court considers that it is an integral part of customary international law. Among independent states, respect for territorial sovereignty is an important foundation of international relations and international law requires political integrity as well to be respected. The existence of the principle of non-intervention according to juris of state is supported by established and substantial practices. In addition, it has been presented as a reasonable result of the principle of equality of state sovereignty.

Based on the opinion of the International Court of Justice, it is understood that the principle of non-intervention has given a state the freedom to regulate its internal affairs and free from the influence of others.

In its development there is a thought that the principle of non-intervention is not absolute, intervention is still possible on humanitarian grounds. Article 2 paragraph (4) of the Charter of the United Nations is not an absolute prohibition, but a restriction that a state does not violate the territorial integrity, political freedom of another state and does not violate the objectives of the CHARTER of the United Nations.

In addition, if examined more deeply the contents of the International Court of Justice's decision in the case nicaragua v. United States in 1986 states that intervention is prohibited by international law if:

- a. it violates matters in which each country is allowed to make its own decisions freely (e.g., the choice of its own political or economic system or the adoption of its own foreign policy);
- b. It involves interfering with this freedom by coercive methods, especially violence (e.g., the provision of indirect forms of support for subversive activities against the subject of the state from alleged intervention). (Powers, 2014)"



Based on the above description, all activities that do not fall into the two categories above are not interventions prohibited by international law. Legitimate interventions are made in the case of:

- a. collective intervention in accordance with the Charter of the United Nations;
- b. interventions to protect the rights and interests and safety of the lives of citizens outside;
- c. self-defense, if intervention is necessary to eliminate the real danger of armed attack;
- d. in protectorate affairs under his control;
- e. If the country that is the subject of intervention is blamed for committing grave violations of international law. (Starke, 1994)

Referring to point 5 above, humanitarian intervention can be justified under international law. Humanitarian intervention does not violate a country's political freedoms. The act is only aimed at returning human rights to the sovereign territory of a particular country. This is in accordance with *D'Amato's* opinion which states that in acts of humanitarian intervention there is no permanent taking of a state's sovereignty, it is only to restore human rights in that country (D'amato, 2001).

ASEAN was originally established for the purpose of securing the Southeast Asian region and is not intended to integrate the economic spheres of its member countries or to create supranational organizations (Buckets, 2018). ASEAN seeks to create regional defense and security stability by enhancing cooperation in the social, economic and cultural spheres. This is done considering that at first many countries in the Southeast Asian region are hostile to each other such as Indonesia and Malaysia, as well as Thailand and Cambodia, the condition is further complicated by the ongoing Cold War between the Western Bloc and the Eastern Bloc. (Winarno, 2008) *Benny Teh Cheng Guan* stated that the establishment of ASEAN was originally for security. ASEAN further strengthens cooperation in the field of defense and security, (Guan, 2004)

At that time regional cooperation in the field of security was focused on cooperation in the military field while maintaining the principle of non-intervention and state sovereignty as stated in the *Treaty of Amity and Cooperation in South East Asia 1976* (TAC). This agreement contains:

- (a) mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations;
- (b) the right of every State to lead its national existence free from external interference, subversion or coercion;
- (c) not interfere in each other's internal affairs;
- (d) the peaceful resolution of differences or disputes;
- (e) rejection of threats or use of force; and
- (f) effective cooperation among themselves (Puspita, 2015).

The principle of state sovereignty and non-intervention contained in the TAC has become the legal basis for asean mechanisms in solving problems in Southeast Asia and also in dealing with member states. The ASEAN mechanism is known as the "ASEAN Way". This ASEAN mechanism is at the core of asean security culture consisting of several elements, namely: Sovereign Equality, *Non-Recouse to Use of Force*, *Non-Interference* and *NonIntervention*, *ASEAN Non-Involvement* in



bilateral conflicts, *Quiet Diplomacy*, Mutual Respect, and Tolerance. The concept of the ASEAN Way itself is a principle that grows and is rooted in the traditions of Southeast Asian nations, especially in Indonesia in solving a problem, (Saravanamutu, 2005)

Traditional Security Concept vis a vis Concept of Non-Traditional Security (Human Security) in Southeast Asia

Based on traditional security concepts, the state has the authority and right to protect its citizens. The power and security of the state has been established and expanded in the interests of world peace. The state has a commitment to carry out the mandate of the people. So at that time the country was in the spotlight and considered the sole subject of international law. The role of the state in protecting its citizens is reinforced by the principle of state sovereignty. This principle promotes the view that a country has rights over its territory and citizens. In this traditional view, the threat that comes to a country is often interpreted as war. This is understandable because at that time (during The World War) the community was haunted by many wars that caused fear and discomfort to the surrounding environment. In that context the term security is interpreted as the concept of "traditional security".

As the times progress, especially since entering the 21st century when there is a change in relations between the state and within the state and the flow of information, capital, and people that move very quickly across all national borders, the concept of human security focuses more on the individual than on the state. Issues such as environmental damage, disasters, the spread of disease (HIV/AIDS, bird flu), human and drug trafficking, international terrorism, and cybercrime are getting greater attention as a threat to human security. War is no longer the only enemy that is most feared. (Loetan, 2003)

Related to this, the human security paradigm is no longer focused on state security, but on individual security. This is what became known as the concept of non-traditional security or human security. The concept of human security sees individuals as subjects directly and not hindered by the existence of the state. In addition, by implementing the concept of human security, it means directly implementing state security. The definition of human security according to the Human Security Commission is:

to protect the vital core of all human life by enhancing human freedom and the fulfillment of human needs. Human security means protecting fundamental freedom - freedom which is the essence of life. This means protecting people from severe and widespread threats and situations (Hassman, 2012).

The concept of human security basically emphasizes the pattern of "hard human security", meaning physical security of humans. In its development, security for humans is aimed not only at physical protection but also protection of civil and political rights. The concept of human security is closely related to the development of human resources. It also received the full attention of the United Nations (UN). In the 1993 Human Development Report released by the



United Nations Development Programme (UNDP) identified two components of Human Security, namely "*Freedom from Fear and Freedom from want*" (King & Murray, 2001). UNDP expressly states that,

Popular participation is becoming a central issue in our time and it is closely related and is an inherent, if not necessary, component of sustainable human development and human security (King & Murray, 2001).

ASEAN has implemented the concept of "security" during the Cold War, although the Bangkok Declaration does not explicitly mention the word "security". This is in line with Severino's statement stating that, "the only point of the Declaration that refers to regional security is the call to advance regional peace and stability". In addition, it is also said that regional peace and stability can only be achieved through cooperation in the economic, social and cultural fields. At that time regional cooperation in the field of security was more emphasized on cooperation in the military field while maintaining the principle of state sovereignty and the principle of non-intervention as stipulated in the (Kim, 2011)*Treaty of Amity and Cooperation* (TAC) 1976.

With the shift in the concept of security, the current policy in ASEAN is not only focused on traditional security concepts but also on non-traditional security, although this is not expressly stated in the ASEAN Charter. Article 1 paragraph (8) of the ASEAN Charter which contains asean objectives states that (ASEAN) responds effectively, in accordance with the principles of comprehensive security, all forms of threats, cross-border crimes and cross-border challenges. Referring to the contents of the article, it is seen that ASEAN does not define exactly the form of threat, meaning that direct threats to people (human security) in the ASEAN region such as disasters, terrorism, illegal drugs, piracy, people smuggling and human trafficking, HIV /AIDS and cybercrime are also included in this scope. Indeed, human security issues are not solely security issues but also related to political, economic, social and cultural issues. This is implied in the provisions of Article 8 of the ASEAN Charter above which states the principle of security as a whole.

DISCUSSION

Natural Disasters as a Human Safety Issue in Southeast Asia

Natural disasters are an example of human safety problems, especially in Southeast Asia. Based on data from the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) from 2005 to 2014, southeast Asia has been ranked the most prone to natural disasters, with a total of 512 natural disasters and 177,000 deaths. In addition, natural disasters (Passific, 2015) can result in quite fatal losses in a country's economy. Losses due to natural disasters in the Southeast Asian region have averaged more than US \$ 4.4 billion per year in the past decade Please also note, natural disasters that occur in this region are often cross-border, such as earthquakes, floods, and hurricanes.(Petz, 2013)



Based on *Disaster Matrix by Country* it can be known that in the period 1970 - 2009 Indonesia is a country in the Southeast Asian region most often hit by natural disasters, followed by the Philippines, Myanmar, Laos, and Cambodia. As for 2015, the Philippines and Indonesia became countries in the Southeast Asian region that are among the top 5 regions in the world most often hit by natural disasters after China, the United States, and India.

A country's economic vulnerability can be measured by the economic losses due to natural disasters that occur in that country. How to measure it is to look at economic losses as a percentage of the country's GDP (Gross Domestic Product-purchasing Power Parity). Indonesia is ranked first as the country that suffered the largest losses both overall and in terms of economic losses due to natural disasters, this is due to the high and high incidence rate of natural disasters in Indonesia. But judging by the economic losses to GDP-PPP, in 2009 Myanmar had the highest level of economic insecurity due to natural disasters, this was caused when Myanmar was in a situation of armed conflict.

In addition, an area said to be prone to natural disasters can be seen from several indicators, namely the number of disaster events, deaths, the number of people affected by disasters, and economic losses. When referring to these indicators, based on the previously mentioned data (most disasters, most casualties, most losses), Indonesia is the country most vulnerable to natural disasters in the Southeast Asian region, followed by the Philippines and Myanmar. But when juxtaposed with the per capita income of each country to know the level of ability of a country in tackling natural disasters in his country, Myanmar is the country with the lowest level of ability (economy) in dealing with disasters, this is because Myanmar is included in the top 3 countries most prone to natural disasters and the country with the second lowest per capita income.

As for Indonesia, although it is the most vulnerable country with the highest number of victims, Indonesia's infrastructure and economic readiness is strong enough to overcome it. On the other hand, Cambodia can be categorized as a fragile country / at risk in overcoming natural disasters in the country, because although the region is rarely a major natural disaster compared to other regions such as Indonesia, the Philippines or Myanmar this country is the poorest. Countries in the Southeast Asian region, so in the event of a major natural disaster it will be difficult to overcome it independently.

Many natural disasters in the Asian region, especially Southeast Asia, are cross-border. This is because the Asia Pacific region lies between two tectonic plates and is also in the ring of fire. Examples of cross-border natural disasters are earthquakes, tsunamis, hurricanes, floods, landslides, droughts and forest fires.

In the ASEAN Political Security Community Blueprint (APSC), the mention of non-traditional security concepts is listed in the number 9 chapter on APSC Characteristics and Elements. There are three main characteristics of APSC:

- a) Rules-based communities with shared values and norms;



- b) A Cohesive, Peaceful, Stable and Resilient Region with a shared responsibility for comprehensive security; and
- c) Dynamic and Outward-Looking Areas in an increasingly integrated and interdependent world Disaster management issues are clearly mentioned in the second characteristic, namely an Integrated, Peaceful, and Resilient Region with a Shared Responsibility for Comprehensive Security.(Community, 2016)

One of the most important milestones in disaster management in ASEAN after the entry into force of the ASEAN Charter was the adoption of the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) in 2009, although this agreement was made in 2005. This agreement is essentially an internal agreement between ASEAN member states and binds ASEAN member states to jointly coordinate and cooperate in the management of natural disasters in ASEAN. Elizabeth Ferris and Daniel Petz further stated that "AADMER is tasked with supporting the ongoing and planned national initiatives of member states and by supporting and complementing existing national capacities and work programs". To perform this function,(Petz, 2013)

Weakness of THE ASEAN Way as an ASEAN Mechanism in Natural Disaster Management in southeast Asia

The principle of the main responsibility of the state becomes the legal basis of disaster management that occurs in a country's territory. Therefore, the state has an absolute responsibility in protecting its citizens affected by natural disasters by providing guarantees of human rights fulfillment.

In the scope of natural disaster management in the Southeast Asian region, the implementation of the principle of state sovereignty is contained in Article 3 of AADMER "... Each affected Party has primary responsibility for responding to disasters occurring in its territory and foreign aid. or an offer of assistance will only be made upon request or with the consent of the affected Party." The Southeast Asian region consists of countries that adhere to the principle of national sovereignty considering the history of the formation (independence) of countries in the region obtained by the struggle after decolonization by countries from parts of continental Europe such as the Netherlands, England. , Spanish, and Portuguese.

The strong application of the principle of state sovereignty and non-intervention in AADMER is also indicated by the absence of provisions that explain the terms, conditions and when the victim state is required to request / obtain humanitarian assistance. In addition, based on Article 11 AADMER it is known that the involvement of the AHA Center in the management of natural disasters in a country is only an option / alternative not as an obligation and must also be with the consent of the victim country.

Over time, natural disasters that occur in the Southeast Asian region are increasing, massive, and crossing national borders. This condition is inversely proportional to the low



economic levels of some ASEAN member countries, which ultimately has an impact on the loss of state capability (national capacity) in dealing with natural disasters, such as Cambodia, Myanmar, Laos, Vietnam, and the Philippines. On the other hand, there are also ASEAN member states that have experienced and are experiencing internal conflict between the government and separatists in its territory. When natural disasters occur in conflict areas, the responsibility of the government (state) will certainly not run optimally, in other words the government concerned does not want / reluctant to cope with natural disasters that hit its territory, for example Myanmar Based on these facts, the author argues that the principle of the main responsibility of the state cannot be applied absolutely. The principle of state sovereignty and responsibility in this context must be broadly interpreted so that the distribution of humanitarian aid can be provided quickly and on target (on time, place and subject).(J. Taylor, 2015)

Referring to the theory of state sovereignty, currently the theory of state sovereignty has undergone a shift in meaning. State sovereignty is indeed an important thing owned by a state because it shows the identity / spirit of a country but in it is still attached to the bonds of the state, so it can be said that state sovereignty is not absolute. John Locke stated that the sovereignty of the state should absolutely be restricted because it is contrary to human rights. Writing "Two Treaties on Civil Government", John Locke explains that, "human beings have natural rights, namely human rights from birth so as to have equal rights and opportunities, therefore the state exists to guarantee the freedom of its citizens" (Tunick, 2014) including ensuring the fulfillment of human rights.

According to the theory of democratic sovereignty, state sovereignty is only in certain matters so that the rights and individual characteristics of its citizens are maintained. In its development, the theory of sovereignty of democracies has given birth to a new theory, namely the theory of Relational Sovereignty. Based on this theory, as Helen Stacy argues, the serious and widespread danger that threatens the survival of citizens on a state territory is proof that sovereignty is not an absolute bulwark for international intervention. Rosalyn Higgins also stated that " (w) hats are really domestic today,(Riyanto, State Sovereignty within the Framework of Contemporary International Law, 2012)

Therefore, in a state of emergency response to a massive natural disaster, crossing national borders and in the event of an armed conflict that makes the state unable or unwilling to handle it as happened in the Southeast Asian region, then the sovereignty of the country in this context must be interpreted as the responsibility of the government of the country concerned to cope by providing full guarantees for the fulfillment of the rights of victims of natural disasters. State responsibility here is interpreted in accordance with the concept of state responsibility in Roman law "Sic utere jure tuo ut alienum non laedes" which means that a person may exercise his rights to all his possessions, but must be maintained so as not to harm or harm others (Proulx, 2016). This is related to the countries' responsibility in the management of natural disasters in the Southeast Asian region, meaning that countries in the Southeast Asian region have full authority



over their citizens and regions for disaster management in their region, but that authority must be maintained so as not to harm the interests too much. from its citizens. The protection of human rights in the framework of natural disaster management is an action that concerns the prevention, implementation, and recovery related to events before, during, and after natural disasters. Antonio Fortin as quoted by Sigit Riyanto stated the importance of protecting human rights, namely that international protection means direct protection to individuals or groups of individuals carried out by agencies in the international community means that countries in the Southeast Asian region have full authority over their citizens and territories for disaster management in the region, but such authority must be maintained so as not to be too much. harming the interests of its citizens. The protection of human rights in the framework of natural disaster management is an action that concerns the prevention, implementation, and recovery related to events before, during, and after natural disasters. Antonio Fortin was quoted by Sigit Riyanto as stating the importance of protecting human rights, namely that international protection means direct protection to individuals or groups of individuals carried out by bodies in the international community. This means that countries in the Southeast Asian region have full authority over their citizens and their territories for disaster management in their regions, but that authority must be maintained so as not to harm the interests of their citizens. The protection of human rights in the framework of natural disaster management is an action that concerns the prevention, implementation, and recovery related to events before, during, and after natural disasters. Antonio Fortin was quoted by Sigit Riyanto as saying the importance of protecting human rights, namely that international protection means direct protection to individuals or groups of individuals carried out by bodies in the international community. But the authority must be maintained so as not to harm the interests of its citizens. The protection of human rights in the framework of natural disaster management is an action that concerns the prevention, implementation, and recovery related to events before, during, and after natural disasters. Antonio Fortin was quoted by Sigit Riyanto as saying the importance of protecting human rights, namely that international protection means direct protection to individuals or groups of individuals carried out by bodies in the international community(Riyanto, State Sovereignty within the Framework of Contemporary International Law, 2012)(Riynto, 2009) (Riynto, 2009). (Riynto, 2009) However, the authority must be maintained so as not to harm the interests of its citizens. The protection of human rights in the framework of natural disaster management is an action that concerns the prevention, implementation, and recovery related to events before, during, and after natural disasters. Antonio Fortin was quoted by Sigit Riyanto as saying the importance of protecting human rights, namely that international protection means direct protection to individuals or groups of individuals carried out by bodies in the international community.

Based on this, the ASEAN mechanism, the ASEAN Way that emphasizes the application of the principle of absolute sovereignty of the state and non-intervention will not succeed in addressing human security issues, especially in the event of massive natural disasters on the



country's borders and when there is an armed conflict that makes the country unable or unwilling to handle it as happened in the Southeast Asian region. It is also influenced by differences in views and targets between the ASEAN Way concept and the concept of Human Security. ASEAN Way focuses more on national security against threats that attack the country directly so that the country has full authority to act. This view is reinforced by Otto von Feigenblatt's opinion that there is a difference between the ASEAN Way and Human Security. The difference is as follows: (Laely Nurhidayah, 2015)

- a. The "ASEAN Way" stresses that the reference to security is a sovereign nation-state and on some occasions is the "people" of Southeast Asia. On the other hand, "Protective Human Security" claims that security references are individuals;
- b. The "ASEAN Way" identifies nation-states as appropriate securitization, security enforcers, while "protective Human Security" identifies the global community as securitized;
- c. The "ASEAN Way" promotes the gradual and voluntary cooperation of nation-states to achieve comprehensive security, while "protective Human Security" supports short and medium-term decisive action with or without the cooperation of other nation-states;
- d. The "Protective Human Security" accepts the two Covenants on Human Rights as universal standards, while ASEAN's way is more ambiguous regarding standards. (Fig leaf, 2010)

Application of the Principle of International Cooperation with ASEAN Centrality as an International Organization as a Solution to Natural Disaster Management in the Southeast Asia Region

The main form of responsibility of the state when facing natural disasters, especially when responding to natural disasters that are massive, cross-border, in armed conflict, and beyond the limits of the national capability of the country concerned willing / willing to cooperate with other parties. Cooperation with others in the response to natural disasters is not a form of political intervention but rather a form of outside involvement to help in relation to humanity. The provision of humanitarian assistance does not constitute an intervention as referred to in Article 2 paragraph (4) of the Charter of the United Nations because there is no violation or threat to territorial integrity, political freedom of another state and does not violate the objectives of the Charter of the United Nations. In the process of providing humanitarian assistance, there is no takeover of sovereignty of other countries, such actions are only to ensure the fulfillment of the rights of victims of natural disasters. In addition, the process of providing humanitarian assistance is also based on the principles of humanity, neutrality, impartiality, and independence.

International cooperation essentially requires the release of an absolute understanding of sovereignty. Cooperation is based on the understanding that humans are actually social beings who are always in touch with each other and in need of each other especially when there are

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problems or needs that cannot be solved on their own. Cooperation is one of the hallmarks of a liberal perspective, emphasizing "cooperation as a central feature of all human relations and that government is necessary but the centrality of power is not good" (Rodriguez, 2014)

The existence of international cooperation, whether through UN agencies or other international organizations, does not mean that there has been any restraint or restriction on the sovereignty of its member states. International cooperation is discussed in Article 1 paragraph (2) of the Un Charter which states that,

Promote friendly relations between states based on respect for the principles of equal rights of nations to self-determination, and take other appropriate measures to strengthen universal peace.

And in Article 1 of verse (3) which reads,

Realize international cooperation in solving international problems in the economic, social, cultural or humanitarian fields, as well as in efforts to advance and encourage respect for human rights and fundamental freedoms for every human being regardless of race, gender, language or religion.

The importance of the principle of international cooperation can be traced through the existence of liberal views. Liberalism is a belief in humanity's capacity to solve seemingly difficult problems through collective action. Action through this group can expand influence, to the extent that power can be seen as the capacity to act to increase profits or to influence the outcome of an event or decision. These people also value freedom above all else and believe that state actions that could impede freedom should be restricted.(Griffiths, 1999)

David Mitrany has introduced international relations governed by organizations and practices of cooperation between countries. The theory put forward by David Mitrany is a functionalist theory that states that the development of international trade and interdependence weakens the power of sovereign states. It is further said that functionalists are the schools of thought that support integration, that the state is not the only important actor in international relations, but there are also international organizations. Mitrany expressed his thoughts on how to get countries to work together on issues that cross borders. The number of problems that cannot be solved in the national sphere leads to the need for cooperation and delegation of control and management of these problems through the institutional and operational framework of the organization. It is in this group that people fight together to defend their lives as they fight danger and cope with disasters. Functionalist approaches are used to address such problems, taking into account that: (1) cooperation begins by addressing specific transnational issues; (2) The process can begin when governments begin to realize that their greater duty in the well-being of its citizens cannot be fulfilled on its own(Griffiths, 1999)

Based on the description above, the author is of the view that if the handling of natural disasters is initially only done partially by each country, then considering the current natural disasters increasing in intensity, cross-border, and sometimes exceed nationally. The capacity of



the country must be increased cooperation carried out by countries in the Southeast Asia region. Cooperation must be directed through international organizations through ASEAN as an independent and distinguished regional international organization from its member states, especially if the natural disasters that occur are massive, cross-border and the national capacity of the country concerned is insufficient. to deal with it or a country they don't want to deal with. The ASEAN agency in charge of this is the AHA Center. In addition, it is also necessary to strengthen the role of the Secretary General of ASEAN (the embodiment of ASEAN in the form of an international organization that is independent and distinguished from its member countries) in humanitarian emergency response situations. Currently, the role of the ASEAN Secretary General is still under the control of its member countries, which are limited to as coordinators for humanitarian assistance when responding to natural disasters. Forward, with the authority held by the Secretary-General of ASEAN under Article 41 paragraph (7) of the ASEAN Juncto Charter Article 2 of the 2009 Agreement on the Privileges and Immunity of the Association of Southeast Asian Nations and Article 8 of the 2011 Procedure Regulations for Closure Through the ASEAN International Agreement, the ASEAN Secretary General can play a more active role in the disaster management process in the Southeast Asian region. For example, the ASEAN Secretary-General can make decisions quickly and cooperate with others in seeking and receiving humanitarian assistance for affected member states if the country is unable or unwilling to address it. This is only done as a form of guaranteeing the fulfillment of human rights of victims of natural disasters. The ASEAN Secretary General can play a more active role in the disaster management process in the Southeast Asia region. For example, the ASEAN Secretary-General can make decisions quickly and cooperate with others in seeking and receiving humanitarian assistance for affected member states if the country is unable or unwilling to address it. This is only done as a form of guaranteeing the fulfillment of human rights of victims of natural disasters. The ASEAN Secretary General can play a more active role in the disaster management process in the Southeast Asia region. For example, the ASEAN Secretary-General can make decisions quickly and cooperate with others in seeking and receiving humanitarian assistance for affected member states if the country is unable or unwilling to address it. This is only done as a form of guaranteeing the fulfillment of human rights of victims of natural disasters. The ASEAN Secretary-General can make decisions quickly and cooperate with others in seeking and receiving humanitarian assistance for affected member states in the event that the country is unable or unwilling to cope. This is only done as a form of guaranteeing the fulfillment of human rights of victims of natural disasters. The ASEAN Secretary-General can make decisions quickly and cooperate with others in seeking and receiving humanitarian assistance for affected member states in the event that the country is unable or unwilling to cope. This is only done as a form of guaranteeing the fulfillment of human rights of victims of natural disasters.

ASEAN's legitimacy as an international organization that is independent and distinguished from its member states in dealing with natural disasters in the Southeast Asian region can be



explained based on agency theory. In this theory it is said that international organizations are agents for the states that form them (principals) to help realize the objectives of the state that cannot be implemented alone. (Tierney, 2003) In the context of agency relations, agency theory mentions three actors in agency relations, namely principals, agents, and third parties. In the opinion of Daniel L. Nielson and Michael J. Tierney states that "The member government (which forms the principal) hires the IO (agent) to perform some function that will benefit the member Referring to the statement, the government of the member state acting as the power holder appoints an international organization as an agent to carry out some function that will benefit member states. Within this framework, member states set goals that will later be implemented by international organizations.(J.Tierney, 2003)(Gutner, 2005)

Regionalism is a bridge between the state and globalization. In today's era of globalization, regionality can be an effective path or link between international and national systems. ASEAN is a regional international organization established to maintain security and peace stability in the Southeast Asian region that is being hit by the turmoil caused by the cold war between the Western and Eastern blocs. Victor Bulmer Thomas once stated, "In terms of policy, almost every country in the world has been chosen to face the challenges of globalization in part through a regional response." This goal cannot be achieved if it is only done individually by each country.(Thomas R. E., 2001)

International organizations are essentially mechanisms for establishing cooperation in all activities in various sectors of international life that are in the common interest of international organizations having independent interests that can advance cooperation between countries and intended to meet common interests. Trust between countries to provide information to each other allows international organizations to help reduce fear between countries and provide a forum for negotiations.(Emilie M. Hafner-Burton, 2008)

CONCLUSION

Human Security and the ASEAN Way are two different concepts. Human Security focuses more on the concept of human security (individuals) directly, while ASEAN Way focuses more on the concept of state security directly. With the shift of the concept of security from traditional security to non-traditional security (human security) in the Southeast Asian region, it will affect the pattern of handling or mechanism. If the issue of security is emphasized on individual security (human security) then of course the handling approach is no longer based solely on a bureaucratic approach that emphasizes the principle of state sovereignty and the principle of absolute non-intervention but rather pays attention to the fulfillment of human rights guarantees as a form of protection for individuals as a whole. Natural disasters that are cross-border, massive and occur in areas of armed conflict in the Southeast Asian region that result in countries unable or unwilling to deal with them are a matter of human security. With these conditions, the ASEAN Way as an



ASEAN mechanism that focuses on the application of the principle of absolute sovereignty of countries and non-intervention will be difficult to implement.

In the situation of emergency response to natural disasters in the Southeast Asian region that are massive, across national borders and in times of armed conflict that make the country unable or unwilling to handle it, state sovereignty in this context must be interpreted as a responsibility. the government of the country concerned to overcome it provides full guarantees for the fulfillment of the rights of victims of natural disasters. The main form of responsibility of the state in this condition is willing / willing to cooperate with other parties. Cooperation with others in the response of natural disasters is not a form of political intervention but a form of outside involvement to assist in relation to humanity. International cooperation essentially requires the release of an absolute understanding of sovereignty. Such cooperation can be carried out through ASEAN as an independent and distinguished regional international organization from its member states. The ASEAN agency in charge of this is the AHA Center. In addition, it is also necessary to strengthen the role of the Secretary General of ASEAN (the embodiment of ASEAN in the form of an international organization that is independent and distinguished from its member countries) in the situation of humanitarian emergency response.

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