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The Responsibility To Protect in the Asia-Pacific Region

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In 2005, governments around the world unanimously agreed to the principle of the responsibility to protect (R2P), which holds that all states have a responsibility to protect their populations from genocide and mass atrocities, that the international community should assist them to fulfil this duty, and that the international community should take timely and decisive measures to protect populations from such crimes when their host state fails to do so. Progressing R2P from words to deeds requires international consensus about the principle’s meaning and scope. To achieve a global consensus on this, we need to better understand the position of governments around the world, including in the Asia-Pacific region, which has long been associated with an enduring commitment to a traditional concept of sovereignty. The present article contributes to such an endeavour through its three sections. The first part charts the nature of the international consensus on R2P and examines the UN secretary-general’s approach. The second looks in detail at the positions of the Asia-Pacific region’s governments on the R2P principle. The final part explores the way forward for progressing the R2P principle in the Asia-Pacific region.

Keywords foreign policy • responsibility to protect (R2P) • Asia-Pacific • sovereignty • United Nations

Introduction

THE RESPONSIBILITY TO PROTECT (R2P) principle has come a long way in a relatively short space of time. Despite its somewhat inauspicious beginnings, the principle was endorsed by the UN General Assembly in 2005 and unanimously reaffirmed in 2006 by the UN Security Council in Resolution 1674. UN Secretary-General Ban Ki-moon (2007) has identified the challenge of translating R2P ‘from words to deeds’ as one of...
the cornerstones of his term of office, and has appointed Edward Luck as his special adviser charged with deepening international consensus and developing proposals for operationalizing the principle within the UN system. The principle has also become part of the working language of international engagement with grave humanitarian crises: the Security Council referred to R2P in mandating the UN–African Union hybrid mission for Darfur (UNAMID) (United Nations, 2007a), and both Kofi Annan and Ban Ki-moon used R2P in relation to their diplomatic efforts to resolve the post-election conflict in Kenya (see Cohen, 2008). More controversially, in the wake of Cyclone Nargis and the government of Myanmar’s refusal to accept foreign assistance in May 2008, French Foreign Minister Bernard Kouchner proposed that R2P be invoked to legitimize the forcible delivery of humanitarian assistance without the consent of the government of Myanmar (New York Times, 2008; Haacke, 2009).

However, there remains significant disquiet among governments about the meaning, scope and application of R2P (see Bellamy, 2008, 2009a). Most notably, several governments – including those of Algeria, Egypt and Sudan – have argued that they did not in fact endorse the principle in 2005 and only committed to further deliberation (United Nations, 2008j; see also Evans, 2008a). Several members of the General Assembly’s powerful Fifth Committee (Budget) resisted the appointment of a special adviser with an R2P mandate (United Nations, 2008j). After much wrangling, the Committee agreed to the appointment of Edward Luck, but insisted that the expression ‘responsibility to protect’ be removed from his job title. So difficult has it proven to forge consensus on R2P that the principle’s supporters are concerned that its inclusion on the agenda of the 63rd General Assembly is more likely to damage than to advance the principle, as R2P-sceptics seek to renegotiate the principle’s core elements.¹ Many of those same advocates have also expressed concern that by trying to prevent backsliding and build consensus by emphasizing the less controversial aspects of the R2P principle, the secretary-general risks diluting the principle – prompting the emergence of an ‘R2P lite’ incapable of strengthening the protection of vulnerable populations (see, for example, Weiss, 2007: 116–117).

Although much of the debate about operationalizing R2P has focused on Africa, efforts to progress R2P hinge on the principle’s ability to secure a degree of support and acquiescence in the Asia-Pacific region. The most obvious reason for thinking that Asia-Pacific is critically important is one of sheer numbers: even narrowly defined to exclude South Asia, Central Asia and West Asia, the region is home to over two billion people – or a third of humanity – and hosts the world’s fastest growing economies. Given the sheer size and significance of the Asia-Pacific region, efforts to build consensus on

¹ This sentiment has been expressed to the authors by foreign affairs officials from two member-states that are prominent supporters of R2P.
translating R2P from words to deeds will need to carefully navigate the concerns of governments in this region. Until recently, however, there has been little attempt to understand how governments in the region understand the R2P principle, what their concerns are, and how they might be assuaged. Indeed, all too often, the region’s governments are dismissed as R2P-sceptics and spoilers (see, for example, Reform the UN, 2005). This is both unhelpful and inaccurate. It is unhelpful because, without consensus among governments, there is little chance of translating R2P from words to deeds. It is inaccurate because, with the exception of Myanmar and North Korea, all the region’s governments have endorsed the R2P principle and none of the governments that spoke out in the Fifth Committee against the appointment of Edward Luck were from the Asia-Pacific region.

Progressing R2P from words to deeds requires international consensus about the principle’s meaning and scope, along with the measures necessary to implement it. To achieve this, we need to better understand the position of Asia-Pacific governments – both their concerns and the policy initiatives that they are prepared to support. This article attempts to fulfil that need through its three sections. The first part sets out the nature of the international consensus on R2P and examines the UN secretary-general’s approach. The second part, which forms the major part of the article, looks in detail at the position of the region’s governments on the R2P principle. The final part of the article explores the way forward for progressing the R2P principle in the Asia-Pacific region. While many Asia-Pacific governments are cautious about norms and measures that might erode the principle of non-interference and are concerned that R2P might legitimize coercive interference in their domestic affairs and – in some circumstances – unilateral armed intervention by the West, we argue that, overall, Asia-Pacific governments are prepared to acknowledge their responsibility to protect their own populations, welcome international assistance and preventive measures, and accept that in extreme situations the UN Security Council or appropriate regional arrangements may be required to step in to protect populations from genocide and mass atrocities.

Responsibility To Protect: From Words to Deeds

The origins of the R2P principle have been charted elsewhere and need not detain us here (see Evans, 2008b; Luck, 2008a; Bellamy 2009b). According to UN Secretary-General Ban Ki-moon (2009), as agreed by the UN member-states, R2P rests on three equally important and non-sequential pillars. The first is the responsibility of each state to use appropriate and necessary means to protect its own populations from genocide, war crimes, ethnic cleansing
and crimes against humanity, as well as from their incitement. This commitment is universal and permanent: universal in that it applies to all states; permanent in that it does not ebb and wane. By effectively exercising their primary responsibility to protect, therefore, states strengthen their sovereignty. The second pillar refers to the commitment of the international community to encourage and help states to exercise this responsibility. This includes specific commitments to help states build the capacity to protect their populations from the four types of crimes and to assist those that are under stress before crises and conflicts erupt. The third pillar refers to the international community’s responsibility to respond through the United Nations in a timely and decisive manner, using Chapters VI (Pacific Settlement of Disputes), VII (Action with Respect to Threats to the Peace) and VIII (Regional Arrangements) of the UN Charter as appropriate, when national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

As noted above, in 2007 the UN secretary-general appointed Edward Luck as his special adviser to consult with member-states on R2P and bring forward recommendations for its implementation. The special adviser has argued that R2P ‘represents the application of human security perspectives to a specific area of public policy that has long vexed publics and policymakers alike’ (Luck, 2008b: 5). He has also identified four programmatic dimensions to the implementation of the principle’s core prevention and protection goals: (1) capacity-building and -rebuilding; (2) early warning and assessment; (3) timely and decisive response; (4) collaboration with regional and subregional arrangements. In order to make progress in translating the principle from words to deeds, the secretary-general will need to persuade member-states – especially those in the Asia-Pacific region – of the value in the R2P principle and assuage concerns about the potential encroachment of the UN into areas traditionally seen as lying within the domestic jurisdiction of states, as well as the concerns of those who worry about the duplication of mandates and attendant organizational inefficiencies. The following section therefore examines the position of governments in the Asia-Pacific region in order to identify areas where consensus is likely and where potential problems may arise.

Asia-Pacific and R2P

For analytical purposes, it is useful to categorize the region’s states as holding one of four broad positions on R2P. It should be stressed that these positions are heuristic caricatures and inevitably gloss over the nuances of each government’s position on the principle, the domestic, regional and global factors
that influence their positions, and the potential for change. These limitations notwithstanding, distinguishing the four positions gives us a clearer sense of regional attitudes toward R2P, allows us to better understand those attitudes, and can help to identify potential strategies for deepening consensus on the principle and translating it from words to deeds.

The first group of states are *advocates* of R2P. These states embraced R2P in 2005, have reaffirmed their commitment since and have expressed (albeit to varying degrees) their determination to help translate the principle from words to deeds. The next group can be described as *R2P-engaged*. These states endorsed R2P in 2005 and have contributed to ongoing discussion about the principle’s scope, meaning and operationalization. Some of these states are more cautious than others, but they have all proven willing to affirm the principle and consider its translation from words to deeds. Their caution is often rooted in concerns about the precise nature of international engagement with specific crises and the appropriate forums for operationalizing R2P. Thus, while these states are likely to support some aspects of R2P operationalization and may be willing to apply the principle to some situations where one of the four specified types of crimes are being committed, they might equally oppose some operationalization measures and the application of R2P to some situations. On the other hand, the *fence-sitters* group have either (tacitly) endorsed or simply acquiesced in the principle by not speaking out against the 2005 World Summit Outcome Document, but they have not expressed any further opinion on either the principle or its operationalization. These states tend to be more cautious still about the capacity of R2P to erode the principle of non-interference. Finally, there are *opponents* of R2P. These are states that did not endorse R2P in 2005 and have tended to criticize the principle itself or attempts to operationalize the principle thereafter. For illustrative purposes, Table 1 categorizes states into the four broad positions.

In the remainder of this section, we will outline the four positions in more detail and the views of the governments that hold them.

**Table 1: Asia-Pacific on R2P**

<table>
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<td>New Zealand</td>
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<td>Thailand</td>
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* The Democratic People’s Republic of Korea and the government of Myanmar have not explicitly rejected the idea that states have a responsibility to protect their own populations.

** Vietnam was almost opposed to R2P prior to the 2005 World Summit.
Advocates

At the time of writing, the region’s principle R2P advocates are Australia, New Zealand, Japan and the Republic of Korea (hereafter Korea). Australia, Korea and Singapore are members of the ‘Friends of R2P’ group established by Canada to provide a forum for supporters to caucus and share information at the level of the permanent missions to the UN in New York, but Singapore’s position is rather more cautious than that of the four states included under this banner. Moreover, in 2004–05, the Philippines was an advocate of R2P and twice invoked the principle during Security Council debates on the situation in Darfur. However, since the 2005 World Summit, the Philippines’ support for the principle has become rather mute (see below). Although all four advocates support R2P, they have quite different perspectives on it.

The support of Australia and New Zealand for R2P is enduring, well known and relatively uncomplicated. They have spoken in favour of the principle at various Security Council meetings on the protection of civilians and at the UN Human Rights Council. Australia was a founding donor to the Global Centre for the Responsibility to Protect, houses the Asia-Pacific Centre for the Responsibility to Protect (APCR2P) and has pledged AU$2 million to support research on advancing R2P (United Nations, 2008k: 38). Australia and New Zealand have also joined calls for the UN to begin work on implementing the principle, supported Luck’s appointment, endorsed the approach he is taking, and have called for the strengthening of his office (United Nations, 2008a; APCR2P, 2008b).

The support of Japan and Korea for R2P is somewhat more cautious. At the 2005 World Summit, Japan embraced the UN secretary-general’s proposal that the membership adopt R2P and emphasized the importance of prevention in reducing the need for intervention. Japan’s support for R2P has been reaffirmed many times since (see, for example, United Nations, 2007b: 26). Significantly, however, Japan views R2P as one element of human security, which it considers a central pillar of its foreign policy (Lennartsson, 2008; United Nations, 2007c: 13; 2008b: 3; 2008a: 6). Japan’s approach to human security overlaps to some extent with R2P, but in Japanese thinking there is one significant difference between the two ideas: while R2P recognizes the necessity for enforcement in certain circumstances, human security rules it out in every occasion, in the same way as the ‘R2P-Plus’ concept recently advocated by leading regional experts (Caballero-Anthony & Chng, 2009).

The precise nature of the relationship between human security and R2P in Japanese thinking was perhaps most clearly set out in a 2005 statement by Kinichi Komano (2005), Japan’s ambassador for human security. The international community, argued Komano, had much more work to do in the fields of development assistance, humanitarian assistance, human rights protection, and police and peacekeeping activities in order to prevent violent con-
flict, and this was Japan’s primary focus. In extreme cases, when all other means had failed, non-military means might prove insufficient, requiring the use of force with Security Council authorization. This, Komano argued, ‘is the core of the notion’ of R2P. Acknowledging that R2P advocates prevention as well as intervention, Komano nevertheless emphasized the absolute priority afforded to prevention by human security: ‘humanitarian intervention’, he argued, ‘can better be interpreted as an implementation of the philosophy of the responsibility to protect rather than of human security’. In other words, while R2P and human security share similar concerns and overlap in many respects, in Japanese thinking R2P paves the way for armed intervention whereas human security insists upon the absolute priority of prevention and does not countenance intervention. This view was reiterated by Prime Minister Yasuo Fukuda (2008) at the 2008 World Economic Forum and in Japan’s contribution to the May 2008 Security Council meeting on the protection of civilians (United Nations, 2008a: 5). In the Security Council, Japan maintained that human security is a concept that complements State security and seeks the protection and empowerment of individuals, putting the livelihood and dignity of individuals at the centre of our focus. It is consistent with the letter and spirit of the Charter of the United Nations and promoted in full respect of national sovereignty. It does not in any way suggest military intervention, even as a last resort, and thus differs from the notion of the responsibility to protect.

Thus, while supporting R2P, Japan clearly prefers human security as a framework for international engagement with troubled regions. There are two main reasons for this. First, because of the role played by Sadako Ogata and the Japan-sponsored Commission on Human Security in developing and establishing the human security concept (Lennartsson, 2008: 3). Second, Japan’s constitution precludes its participation in international military deployments (see Tsuchiyama, 2007: 67).

As a result of its strong preference for human security, Japan’s position on the operationalization of R2P is similar to that of other governments in the Asia-Pacific region whose position might be described as cautious. Although it does not share its neighbours’ concerns about the potential for R2P to legitimize unilateral interference in a state’s domestic affairs (see below), Japan prefers a broad approach to implementation that focuses on addressing the causes of genocide, war crimes, ethnic cleansing and crimes against humanity – a point that has been recognized by the UN secretary-general (Ban, 2008).

Of the various Asian candidates for the secretary-generalship of the UN in 2006, Korea’s foreign minister Ban Ki-moon was alone in making R2P a key part of his platform. Moreover, Korea is one of only two Asian members of the ‘Friends of R2P’ (the other being Singapore; see below). Although Korea supports R2P, it too takes a cautious approach to implementation, arguing that further consideration of the principle is necessary, and it prefers not to
couch its policy preferences in R2P terms, choosing either to work through the rubric of human security or to avoid broad doctrines altogether.

While Korea supports R2P, it remains cautious about the principle’s scope and application and prefers to focus on prevention measures taken in cooperation with the relevant authorities – though it accepts the necessity of Security Council-authorized enforcement in certain circumstances. Prior to and during the 2005 World Summit’s deliberations on R2P, Korea was a consistent though cautious supporter of the principle. In particular, it emphasized the primacy of prevention and capacity-building (specifically, preventive diplomacy, humanitarian aid and provision of assistance), along with the need for restraint in relation to enforcement measures, and also stressed the need for further deliberation by the UN General Assembly (Kim, 2005). At the 2005 World Summit itself, Foreign Minister Ban Ki-moon reaffirmed Korea’s support for R2P and Korea’s emphasis on the provision of international assistance to help states fulfil their obligations and focus on prevention. It is clear from the statements it has made on the issue that Korea believes that implementation of R2P should be guided by four central principles (see, for example, Shin, 2005; United Nations, 2007b: 36–37; 2008i: 5; 2006a: 9; 2006b: 18):

- the importance of dialogue and consensus: the R2P principle should be substantiated and clarified through dialogue that includes the whole membership of the UN;
- the primacy of prevention and capacity-building;
- the need for a stronger partnership between the UN and regional organizations, especially in relation to prevention and capacity-building;
- the need to improve the UN’s capacity to protect.

With this in mind, it is clear that although Korea supports R2P, it shares Japan’s concerns about its implementation – preferring to focus on the principle’s non-coercive aspects and the importance of dialogue and consensus-building as vehicles for advancing the principle.

A fifth Asia-Pacific advocate, at least between 2004 and 2005, was the Philippines. As we mentioned earlier, the Philippines originally endorsed R2P, but its position became more cautious in the wake of the World Summit. Prior to the 2005 World Summit, the Philippines made a number of statements indicating its unqualified support for R2P. Most clearly, in successive Security Council debates on the situation in Darfur in 2004, the Philippines clearly expressed support for (and a good understanding of) R2P. In July, it insisted that ‘sovereignty also entails the responsibility of a State to protect its people. If it is unable or unwilling to do so, the international community has the responsibility to help that State achieve such capacity and such will and, in extreme necessity, to assume such responsibility itself’ (United Nations, 2004a: 10–11). In September, the Philippines reiterated that a ‘State has the responsibility to protect its citizens, and, if it is unable or unwilling to do so,
the international community – the Security Council – has the moral and legal authority to enable that State to assume that responsibility’ (United Nations, 2004b: 12). This position was further reaffirmed in 2005 when Secretary of Foreign Affairs Alberto Romulo (2005) told a South–South cooperation meeting that ‘the sovereign equality of States, the peaceful settlement of disputes and the principle of non-interference may have to be reconciled with the principle of the responsibility to protect’.

In addition to supporting the R2P principle, the Philippines government was keen to start discussing measures to translate R2P from words to deeds. At various meetings throughout 2004, the Philippines called for measures to expand the role of the UN in conflict prevention and post-conflict rebuilding, including proposals for clear prevention mandates to be given to UN agencies and specific endorsement of an ‘information exchange mechanism for early warning analysis and better understanding of the root causes of conflict’ (United Nations, 2004c: 14).

However, as we mentioned earlier, the Philippines is something of a special case, because it has discernibly shifted from an advocacy role in the post-World Summit era. Put simply, from a peak in 2004, the Philippines gradually reduced its use of R2P language in Security Council debates by the end of 2005 and privately resisted attempts to persuade the Council to reaffirm R2P immediately after the World Summit (see Bellamy, 2009b). Since stepping down from the Council, it has studiously avoided the use of R2P language. While explaining this shift is beyond the scope of the present article, it is worth noting two potential reasons. The first is rooted in bureaucratic politics and suggests that, as the Philippines stepped down from the Security Council in 2005, its department of foreign affairs simply lacked the capacity and political impetus to maintain its advocacy of R2P. The second explanation points to growing concerns that external actors might use R2P to criticize the government or interfere in the troubled search for peace in Mindanao (see, for example, AHRC, 2008).

In summary, R2P has a number of supporters in the Asia-Pacific region. While recognizing that in certain situations it may be necessary for the UN Security Council to authorize coercive measures in situations where a state is manifestly failing in its responsibility to protect populations from the four types of crimes, the principle’s Asian supporters prefer to emphasize the international community’s responsibility to assist states and the responsibility to prevent the outbreak of genocide and mass atrocities in the first place. This means that many of the region’s R2P supporters hold views similar to those of states that have been less forthright in their endorsement of the principle and more cautious about its operationalization.
R2P-Engaged

*R2P-engaged* states are those that have endorsed R2P, contributed to global debate about it, but remain cautious about its scope and application, sometimes to the extent that they are occasionally identified as presenting obstacles to its operationalization. Most notably, *R2P-engaged* states tend to argue that the Security Council should only play a leading role in the very worst situations – and preferably with the consent of the host state and/or support of relevant regional organizations. Moreover, they argue that in most cases – such as Myanmar and Zimbabwe – it is more appropriate to work cooperatively with the relevant states and use mechanisms such as regional arrangements, the secretary-general’s good offices, or other UN bodies and agencies. Nonetheless, *R2P-engaged* states are prepared to voice support for the principle and – within the limits set out above – endorse measures related to its implementation.

The region’s most significant *R2P-engaged* state is China, and its position on R2P is by no means straightforward. As a veto-wielding permanent member of the UN Security Council, China has twice endorsed R2P specifically – at the 2005 World Summit and in the reaffirming Security Council Resolution 1674. Indeed, China described Resolution 1674 as providing the ‘legal framework’ for the protection of civilians in armed conflict (United Nations, 2008a: 9). It also accepted R2P’s insertion into Security Council Resolution 1769 on the situation in Darfur. On the other hand, since the International Commission on Intervention and State Sovereignty consultations in 2001, the Chinese have remained sceptical about R2P. It was partly owing to Chinese concerns that the draft World Summit document insisted that all questions relating to the use of force defer to the Security Council and that the proposed discussion on criteria to guide decisionmaking was omitted (China was concerned that such criteria could have been used to legitimize unilateral intervention). Moreover, Chinese foreign policy is framed by its ‘Five Principles of Peaceful Coexistence’ and ‘Independent Foreign Policy of Peace’, which rest on a commitment to the principle of non-interference in the domestic affairs of states (see Teitt, 2009; Pang, 2009). In other words, Chinese foreign policy is prefaced on the idea that sovereignty entails a right to be free from outside interference – an idea that appears to stand at odds with the concept of sovereignty as responsibility that underpins R2P. As Chinese President Hu Jintao (2005) insisted at the 2005 World Summit: ‘we should all oppose acts of encroachment on other countries’ sovereignty, forceful interference in a country’s internal affairs, and willful use or threat of military force’. China’s commitment to non-interference shaped its position on the crises in Darfur, Zimbabwe and Myanmar, where it repeatedly threatened or used its veto to block embargoes and other measures against governments implicated in grave abuses of human rights.
This seeming contradiction between China’s repeated endorsement of R2P and its commitment to non-interference on crises in Africa and Asia has prompted some commentators to suggest that China’s support for R2P is mere rhetoric (see, for example, Focarelli, 2008). This view, however, is not wholly supported by closer examination of China’s role in relation to Darfur and Myanmar. In relation to Darfur, China supported the deployment of African Union peacekeepers (AMIS), and, when it became apparent that AMIS was incapable of protecting civilians, also supported the creation of UNAMID (see, for example, United Nations, 2006c: 5). China was not alone in insisting that UNAMID be deployed with the consent of the Sudanese authorities – a position shared by actors as diverse as the African Union, the UN’s Department of Peacekeeping Operations and the International Crisis Group. When Sudan refused to grant its consent, Chinese diplomacy was credited with breaking the logjam. China has also put its troops where its mouth is, committing more soldiers to UNAMID than the other four permanent members of the Security Council combined. Of course, on the other side of the ledger, China’s commitment to non-interference has shielded the Bashir regime from sanctions, allowing it to continue raising revenue through oil sales, and has kept Chinese arms flowing into the war zone.

If its engagement with Darfur raises questions about China’s commitment to R2P, China’s position on Myanmar ‘appears to be entirely unsympathetic to the R2P principle’ (Teitt, 2009). Vetoing a draft resolution in January 2007, China argued that the ‘Myanmar issue is mainly the internal affairs of a sovereign state’ and therefore beyond the jurisdiction of the Security Council (United Nations, 2007d: 3). However, on closer inspection, it is clear that while China opposes Security Council involvement, it does not oppose international engagement per se. It has provided diplomatic support for the use of the secretary-general’s good offices and reportedly played a key role in persuading the Myanmar junta to grant a visa to the secretary-general’s special representative, Ibrahim Gambari (Teitt, 2009). China has also aligned itself with the Association of Southeast Asian Nations (ASEAN) and remains open to the idea of ASEAN playing a leading role in addressing Myanmar (Teitt, 2009; United Nations, 2007d: 3). China is therefore not opposed to international engagement with Myanmar per se, but to particular types of engagement.

What does all this mean for China’s position on R2P? There are two key lessons here. First, China’s commitment to R2P is ‘cautious and contained’ (Teitt, 2009). China supports the principle and acknowledges that major humanitarian crises are a legitimate concern for the international community. However, it does not share the West’s view about the most appropriate ways of implementing the R2P principle. It remains quite hostile towards actions designed to coerce states to protect their populations, though it is prepared to support and play a constructive role in measures taken with the consent of the relevant authorities. Second, as Sarah Teitt (2009) argues, in
order to balance respect for non-interference with R2P, China’s position on specific crises seems to be shaped by the position adopted by relevant regional organizations. Where regional organizations favour limited sanctions or peacekeepers with civilian-protection mandates (as the African Union did in Darfur), China is prepared to lend its support. Where regional bodies oppose interference and prefer a more diplomatic approach (as with ASEAN in relation to Myanmar), China is prepared to use its veto to block coercive measures emanating from outside the region.

With the exception of the Philippines (discussed earlier), the region’s other R2P-engaged states are Singapore, Indonesia and Vietnam (from 2007). Singapore is the only ASEAN member to join the ‘Friends of R2P’ group. It has also endorsed the idea of sovereignty as responsibility, noting in particular that the concept of absolute sovereignty is ‘antiquated’ (United Nations, 2005a: 2; 2005b: 21), and was one of the so-called ‘small five’ (S-5) states whose proposed reforms to the Security Council’s working methods included a call for restraint on the use of the veto in humanitarian emergencies and a demand that permanent members publicly justify their use of the veto in such cases. Specifically, that proposal was ‘to prevent – bearing in mind the responsibility to protect – the use of the veto in cases of genocide, crimes against humanity and serious violations of international humanitarian law’ (United Nations, 2005c: 8). Compared to other ASEAN members, Singapore has been relatively vocal in its criticism of Myanmar. Foreign Minister George Yeo described the September 2007 crackdown on Buddhist protestors as ‘brutal’, denounced the ‘arbitrary arrest’ of protestors, and demanded the release of Aung San Suu Kyi (Dow Jones, 2008; United Nations, 2007e: 19).

Singapore’s support for R2P does not necessarily translate into a view that the international community, and the Security Council especially, should take a more robust approach to the protection of human rights. Despite voicing concerns about the junta, Singapore has not supported UN Security Council resolutions condemning Myanmar and has consistently argued that the most appropriate way of addressing the problem is through the secretary-general’s good offices in cooperation with the Myanmar government – though it is prepared to apply diplomatic pressure to encourage the government to cooperate (United Nations, 2007e: 19). This suggests that – like other R2P-engaged states – while Singapore recognizes the principles underlying R2P, it is inclined to adopt a cautious approach that emphasizes non-coercive measures.

Indonesia adopts a similar position, but its view is far from straightforward. Having stressed concerns about the potential association between R2P and the use of force (United Nations, 2005d: 26), Indonesia clearly stated its cautious support for R2P at the plenary session of the 2006 General Assembly. However, it stressed the need for clarity and caution about the types of situation to which R2P applied and the circumstances in which enforcement measures might be utilized. Thus, according to Adiyatwidi Adiwoso Asmady,
the concept of the responsibility to protect should be approached very carefully, taking into account the sovereignty and equality of all States. My delegation opposes the threatening of peoples, groups or countries by others, and sees that as a counterproductive measure. While we realise that sanctions may be required in some exceptional circumstances, we believe that extreme care should be exercised in that regard. We also believe that aid should not be tied to conditionalities. Effective partnerships for development are those that are based on mutual understanding, trust, respect and accountability among all parties (United Nations, 2006d: 19).

It is important to stress that the Indonesian government does not dispute that sovereigns have a responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, nor that the responsibility shifts to the international community – which may enforce various types of sanctions – in situations where a state is manifestly failing to uphold its responsibility. Nonetheless, Indonesia has called for clarification as to when R2P applies, the precise measures that the international community is entitled to adopt and the most appropriate agents for particular courses of action.

To clarify what this stance means in practice, it is worth briefly focusing on Indonesia’s position on the situations in Myanmar, Sudan and Zimbabwe.

When the USA presented a draft resolution censuring Myanmar in 2007, Indonesia did not join China and Vietnam in voting it down. Instead, it abstained, indicating that while it did not agree with the position adopted in the draft resolution, it was also deeply concerned about the situation in Myanmar. Indonesia argued that although it was appropriate for the international community to express concern and encourage the government of Myanmar to exercise restraint, condemnation would prove counterproductive and international engagement would be best spearheaded by ASEAN in cooperation with the UN (United Nations, 2007d). Although a less robust stance than the West had called for, Indonesia’s position reflected a changing conception of the principle of non-interference and a willingness to concede that the human rights situation in Myanmar was a matter of legitimate concern for the international community. Moreover, while expressing disquiet at the approach taken by the USA, in abstaining Indonesia did not allow this disquiet to override its concern about human rights in Myanmar.

In the aftermath of Cyclone Nargis, which struck Myanmar in May 2008, French Foreign Minister Bernard Kouchner famously called on the Security Council to invoke R2P to justify the delivery of humanitarian assistance by force if necessary in the face of the junta’s refusal to accept much-needed aid. Unsurprisingly, given its view that R2P should be carefully and cautiously applied, Indonesia flatly rejected Kouchner’s call, arguing that invoking R2P would both complicate efforts to secure humanitarian access and damage the principle itself (Hotland, 2008). Its permanent representative added that
there were other, more appropriate, mechanisms within the UN system that were better suited to the situation at hand, and that invoking the R2P principle ‘would jeopardize and undermine aid work, not only for Myanmar, but also for future humanitarian situations’ (see Hotland, 2008). In line with other ASEAN governments, Indonesia maintained quite simply that R2P was not intended to apply to natural disasters or to legitimize the forcible distribution of humanitarian assistance in such circumstances. Some interpreted this position as an attempt to back away from its support for the concept at the 2005 World Summit (The Economist, 2008; Haacke, 2009). In our view, this interpretation is misplaced, not least because Indonesia clarified that its position was driven by the prudential concern that invoking the principle of the responsibility to protect would jeopardize the delivery of humanitarian aid (see Hotland, 2008). Moreover, this view was widely shared not only by both Edward Luck and the head of the UN Office for the Coordination of Humanitarian Affairs, John Holmes, but also by humanitarian agencies such as Oxfam and Médecins Sans Frontières, and the Asia-Pacific Centre for the Responsibility To Protect (APCR2P, 2008a; Bouchet-Saulnier, 2008; Haacke, 2009).

The idea that Indonesia’s position on Cyclone Nargis reflected more its understanding of the scope and meaning of R2P, rather than a backsliding from the commitment made in 2005, can be seen by considering the positions it took on Darfur and Zimbabwe shortly after the Nargis debate. Despite concerns that events after Cyclone Nargis could erode support for R2P within ASEAN, Indonesia continued to use the language of R2P – specifically referring to the idea that sovereignty entails responsibilities as well as rights – to support its insistence that the government of Sudan cooperate fully with the prosecutor of the International Criminal Court (United Nations, 2008c: 12). Just as significantly, in July 2008, Indonesia departed from the position taken by Vietnam and China on the situation in Zimbabwe and abstained on a draft resolution demanding the imposition of targeted sanctions. Indonesia chose not to support the resolution primarily because the latter did not enjoy the support of the relevant regional and subregional organizations (the African Union and the Southern African Development Community) or the South African mediators. However, Indonesia did not believe that these concerns outweighed the Security Council’s legitimate concerns about the situation in Zimbabwe and chose to abstain rather than vote against the draft resolution. In explaining its position, Indonesia argued that ‘the leaders of the country, in particular, are called upon to recognize the burden of responsibility on their shoulders and to leave no stone unturned in the quest to extricate Zimbabwe from its present predicament. The people of Zimbabwe deserve international support in that endeavour’ (United Nations, 2008d). Indonesia went on to emphasize that while it was legitimate for the Security Council to be engaged in the crisis, it was imperative that the Council work in cooperation with the relevant
regional and subregional organizations. In its response to all three situations, therefore, Indonesia has maintained that sovereignty implies responsibilities and that it is appropriate for the international community to become engaged in order either to assist states to fulfil their responsibilities or to protect populations in cases where they are manifestly failing to do so. However, Indonesia remains cautious as to when the international community can engage in an R2P situation and what this engagement should look like.

Finally, somewhat surprisingly perhaps, Vietnam has shifted from a position close to opposition to R2P in 2004–05 to one of relatively positive R2P engagement. Prior to the 2005 World Summit, Vietnam insisted that it was not convinced that R2P was an emerging norm of international law as suggested by the UN secretary-general’s report *In Larger Freedom* (see United Nations, 2005d: 22). At the World Summit itself, however, Vietnam endorsed R2P and called for ‘more in-depth discussion’ to ensure that the principle moved forward with broad support. Most crucially, Vietnam has reiterated its support for the World Summit Outcome Document by voicing support for Security Council Resolution 1674, which affirmed R2P (see United Nations, 2007f: 4). Its support has been strongest in relation to the first two pillars of R2P and much more cautious in relation to the third pillar, owing to its commitment to the principle of non-interference and potential infringements of sovereignty.

‘Viet Nam’s view’, its permanent representative argued in 2008, is ‘that it is States that bear primary responsibility to protect their own civilians and to deal with violence against civilians as well as violations of international humanitarian law. In order to help States fulfil their responsibilities, the United Nations can help improve their national capacity, provide technical assistance and work with them to conduct other awareness-raising activities, for instance through training courses’ (United Nations, 2008a: 14). This view was reiterated in Vietnam’s comments on the protection of children. Here, Vietnam argued that ‘in order to ensure its quality, reliability and objectivity, strengthened dialogue and cooperation with national Governments who bear the primary and ultimate responsibility to protect and care for the children of their own countries, is of vital importance, as are consultations with the United Nations entities and non-governmental organizations’ (United Nations, 2008e: 19). Thus, Vietnam has indicated its endorsement for the first two pillars, and has also singled out the prevention and peaceful resolution of armed conflict as ‘the best way to protect civilians in armed conflict’ (United Nations, 2008a: 14).

In relation to those aspects of R2P that refer to the international community’s responsibility to take timely and decisive measures when the host state is manifestly failing in its responsibilities, Vietnam insisted that ‘the Security Council should consider the issue of the protection of civilians on a case-by-case basis and in line with the approach endorsed in previous relevant resolutions’ (United Nations, 2008a: 14). Chief among those relevant resolu-
tions is Resolution 1674, which set out the Security Council’s endorsement of the responsibility to protect. In addition to this clear endorsement of R2P as envisioned by the 2005 World Summit, Vietnam also indicated that it might be time to further consider proposals for translating the principle from ‘words into deeds’. At the very least, these statements indicate Vietnam’s willingness to consider appropriate mechanisms for enacting the Security Council’s commitment to the protection of civilians and the R2P principle.

From this, it seems that Vietnam was initially concerned that R2P would create a ‘right’ to intervene or interfere in the domestic affairs of states, which would be troubling in itself but which could also be abused by the world’s more powerful states. By the time of the World Summit, however, Vietnam was reassured that R2P would not have this effect, presumably because the Summit Declaration insisted that the application of R2P be consistent with the UN Charter and called for further deliberations by the General Assembly.

There are, therefore, four important lessons about the use of R2P that can be learned from this brief discussion of the positions adopted by R2P-engaged governments in Asia-Pacific. First, it is important that R2P be understood as only applying to the four types of crimes (genocide, war crimes, ethnic cleansing and crimes against humanity) specifically identified by the World Summit Outcome Document and not other sources of widespread human insecurity, such as natural disasters. Second, although international engagement is sometimes appropriate, such engagement should be predicated on cooperation with the host authorities as far as possible. Third, international engagement should proceed with due regard for the attitudes and preferences of relevant regional and subregional organizations, and wherever possible the UN should focus its foremost attention on supporting regional efforts. Finally, the development and application of R2P should proceed cautiously and on a consensus basis through the General Assembly. As Indonesian President Susilo Bambang Yudhoyono stated at the World Summit, ‘we need a consensus on the responsibility to protect people from genocide, ethnic cleansing and crimes against humanity. To this end, force should be used only when all other means have failed’ (United Nations, 2005e: 5).

Fence-Sitters

Fence-sitters are those governments that either acquiesced in (i.e. did not specifically endorse the principle but supported the World Summit Outcome Document) or endorsed the R2P principle at the 2005 World Summit but have remained silent on the issue since. Since the Summit, these governments have not criticized or welcomed the principle, nor have they commented on specific aspects of its operationalization. As a result, these states might either support or oppose specific proposals for translating R2P from words to deeds. There are two principal reasons why these governments might have adopted
this position. First, they may simply not consider R2P a policy priority. Some of these states are among the region’s poorest and most fragile; these states traditionally prioritize economic development and internal stability. Second, given the continued lack of clarity about the meaning and scope of R2P, some of these states may have made a calculated decision to wait and see how the principle develops. **Fence-sitting** governments range from those that can be considered reasonably sympathetic to R2P, such as Thailand and Malaysia, to those that are more guarded, such as Cambodia, Laos and Brunei. We will begin with the more positive-minded fence-sitters.

Prior to the 2005 World Summit, Malaysia’s position on R2P was quite similar to that of Indonesia. Malaysia ‘welcomed’ the proposal to discuss R2P at the 60th General Assembly (Ali, 2005: 1) but expressed some caution about its application. Thus, at the World Summit itself, Prime Minister Abdullah Ahmad Badawi (2005: 2) further clarified Malaysia’s position on R2P, noting:

> I am aware of the growing consensus towards accepting that the existing provisions of the United Nations Charter regarding the use of force are sufficient to address the full range of security threats; that the only issue remaining is how to ensure that the use of force is applied only as instrument of last resort. Undoubtedly, this is a priority issue especially as it is connected to the question of responsibility to protect civilian populations from crimes against humanity. However, any intervention must give due recognition to Charter principles pertaining to sovereignty, territorial integrity and non-interference. While the Security Council would appropriately be the body to take decisions on these matters, it is Malaysia’s view that provisions must also be made for the General Assembly to have an oversight role in this crucial matter of the use of force to deal with threats to international security.

Significantly, Badawi did not object to R2P itself but expressed concern about the potential for the ‘use of force’. These concerns were reiterated later in the year, when Malaysia argued in the Security Council that while ‘humanitarian intervention’ had no basis in international law, the Security Council had a right to take action in situations where clear violations of international law, international humanitarian law and human rights threatened international peace and security (Isa, 2005: 1). Interestingly, somewhat like China’s position on Myanmar, Malaysia maintains that while the Security Council has a role to play in humanitarian emergencies, this should be limited to cases where grave violations arise out of conflicts that threaten international peace and security. This view was reiterated in 2006 when Foreign Minister Datuk Seri Syed Hamid Albar maintained that Malaysia recognized the need to ‘intercede on humanitarian grounds in international conflicts’ (cited in Bernama, 2006) – simultaneously acknowledging the appropriateness of international engagement in humanitarian crises and the idea that intercession is only appropriate in response to ‘international’ conflicts. Moreover, Syed Hamid went on to note that there remained ‘a whole range of questions that involve legal, moral, operational and political – constituting the debate around humanitarian intervention and responsibility to protect’, warning that ‘the
preoccupation with human security should not lead to human insecurity’. Similarly, Thailand voiced support for R2P in 2005 but has subsequently gone quiet on the issue. In 2005, Minister of Foreign Affairs Kantathi Suphamongkhon (2005: 2) stated that his government saw ‘merit in the idea of collective responsibility to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity’. Since then, the Thai government has not referred to R2P. In relation to Myanmar, Thailand closely followed the position of Indonesia and Singapore, signalling a strong preference for ASEAN to be the ‘bridge between Myanmar and the international community’ (Pramudwinai, 2008: 4). However, it is worth noting that Ambassador Don Pramudwinai (2008) also acknowledged that ASEAN risked losing its credibility had it continued to do ‘nothing’ in the aftermath of Cyclone Nargis – tacitly recognizing that external actors have a responsibility to provide assistance in grave humanitarian emergencies.

The positions of Brunei Darussalam (Brunei), Cambodia and the Lao People’s Democratic Republic (Laos) all fall squarely under the category of fence-sitters. All three states have tacitly endorsed R2P, yet none of these states have specifically referred to the principle to either support or criticize it or suggest ways of translating it from words to deeds. The closest Brunei has come to commenting on R2P came in November 2007, when its minister for foreign affairs and trade endorsed a Commonwealth Heads of Government Meeting (CHOGM) communiqué that insisted that ‘the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity is a fundamental Commonwealth value, and reiterated [the Commonwealth’s members’] commitment to work together to ensure that the responsibility to protect is carried out by the international community, in accordance with the UN Charter’ (Radio Television Brunei, 2007).

Neither Cambodia nor Laos has provided public comment on R2P, though neither demurred from the World Summit Outcome Document – and Cambodia specifically welcomed it, while noting that ‘the outcome document did not respond to all of our concerns [principally in relation to development], but it gave us a framework for our future action’ (United Nations, 2005f: 17). Laos’s closest engagement with the principle came when Amnesty International released a 2007 report arguing that Laos was failing to uphold its responsibility to protect the Hmong hill tribe peoples. Amnesty called for Japan to use its development aid to pressure the government of Laos to grant international agencies access to the Hmong region in order to ‘provide humanitarian aid and monitor human rights abuses’ in the area (see Kyodo News, 2007). Natalie Hill, deputy Asia-Pacific director for Amnesty International, invoked R2P, insisting that ‘the Hmong groups living in the jungle are destitute. The Lao authorities have a responsibility to protect them, not least because of the children involved. Instead, their regular attacks mean the groups live in perpetual danger of their lives’ (cited in Kyodo News, 2007).
Lao authorities rejected Amnesty’s findings and insisted that the allegations were fabricated (Kyodo News, 2007). Notably, however, even this invocation of R2P by Amnesty did not prompt a denunciation of the principle by Laos.

In sum, *fence-sitters* are states that could either support or oppose both the R2P principle and individual aspects of its implementation. However, the states that fall under the *fence-sitters* category in the Asia-Pacific region give ground for some optimism. Although some have expressed concerns about aspects of R2P, none have directly opposed it, and all have acquiesced or endorsed the principle in one way or another. This creates important space for potential engagement, and there are three principal lessons that need to be drawn from the positions adopted by *fence-sitters*. First, it is important that the principle be developed in an inclusive fashion. For *fence-sitters*, the most appropriate venue for deliberation on R2P within the UN is the General Assembly. Inclusive dialogue may also be fostered by encouraging its development within relevant regional organizations in which *fence-sitters* have a heightened sense of ownership. Second, R2P should be related more closely to the legitimate priorities of *fence-sitters*. Traditionally, debates about the UN’s priorities have tended to involve a trade-off between ‘security’ (the principal concern of the West) and ‘development’ (the principal concern of the rest) (Hannay, 2008). Although the UN secretary-general’s High Level Panel, which set the tone for the 2005 World Summit, insisted that security and development were interdependent, many member-states from both camps continue to act as though security and development are in competition. Accordingly, R2P is often presented as a ‘peace and security’ matter that concerns how the Security Council should respond to major crises of international concern, but with little discussion of how such conflicts could have been prevented in the first place through greater mediation, preventative diplomacy and development-focused solutions. Finally, it is important that advocates of R2P address the *fence-sitters’* concerns about the principle’s capacity to justify coercive interference in their domestic affairs (which is also a concern of many R2P-engaged states).

**Opponents**

It is somewhat surprising to note that, given the region’s reputation for supporting a traditional conception of sovereignty, only two states in the region oppose R2P – Myanmar and the Democratic People’s Republic of Korea (DPRK). These two states are among the world’s worst abusers of human rights and widely thought of as international pariahs, so their reticence towards R2P is not unexpected. Both have a clear vested interest in inhibiting efforts to translate R2P from words to deeds, because both have been the subject of UN Security Council deliberations and high-profile calls for the application of R2P to their domestic situations. Interestingly, however,
neither state has voiced outright opposition to R2P by joining others – such as Egypt, Sudan and Algeria – to criticize or block efforts to advance R2P inside the UN. Thus, opposition to the principle seems to be based more on a concern that R2P provides grounds for external interference in their domestic affairs. As such, both Myanmar and the DPRK have sought to emphasize that it is the sole responsibility of states to prevent genocide and mass atrocities, and not a matter of international peace and security.

It is important to note in this regard that both states have been identified as failing in their responsibility to protect. In October 2008, Vitit Muntarbhorn, the UN’s special rapporteur on the situation of human rights in the DPRK, noted that ‘the principle of the responsibility to protect, which was applicable in situations of genocide, ethnic cleansing, crimes against humanity, and war crimes was still not being respected’ (in North Korea) (United Nations, 2008g: 8). Likewise, though Myanmar has sometimes welcomed the assistance of the secretary-general’s good offices (see, for example, United Nations, 2008h), French Foreign Minister Bernard Kouchner’s misplaced invocation of R2P in relation to Cyclone Nargis helped confirm the Myanmar military junta’s belief that the principle could enable coercive Western interference in Myanmar’s domestic affairs (Haacke, 2009: 163).

In 2005, both Myanmar and the DPRK expressed concerns about the introduction of the R2P principle into the World Summit Outcome Document. Myanmar, for instance, warned that UN reforms should remain respectful of the principles of non-interference and the formal equality of states (United Nations, 2005g: 7). Thus, referring to the strengthening of human rights mechanisms, Myanmar argued that ‘we must address the root causes of problems, namely, the use of selectivity, double standards and politicization’ (United Nations, 2005g: 8). The DPRK made a similar call – reiterating the importance of sovereignty and the need for non-interference. Thus, the DPRK argued that

it is important that we take a multilateral approach centred on the United Nations and in line with the purposes and principles of the Charter. To that end, efforts should be made to, inter alia, prevent unilateralism and high-handedness leading to violations of the Charter and of international law, and to ensure that the functions and role of the United Nations in addressing major international issues remain pivotal. Disputes should be resolved peacefully, through dialogue and negotiation. The unilateral use of force can never be justified in any case. Such actions as authorizing specific countries to launch pre-emptive attacks on the pretext of preventing conflicts should not be viewed as strengthening the collective security system of the United Nations and should therefore be rejected, as they are dangerous attempts to ignore both the principles of non-interference in others’ internal affairs, as well as respect for sovereignty, as stipulated in the Charter (United Nations, 2005h: 28).

Since 2005, both states have sought to prevent the General Assembly and the Human Rights Council from passing resolutions critical of their respective
failure to protect the rights of their citizens. Both states were part of efforts by the Non-Aligned Movement (NAM) to push the General Assembly and the Human Rights Council to drop resolutions referring to specific states in relation to the violation of human rights (see United Nations, 2007g: 4; 2008f: 19). Obviously such a position is in tension with R2P, which insists that states should be accountable for their actions in relation to the four specified types of crimes.

Because of the obvious problems with their human rights records, Myanmar and the DPRK are likely to remain hostile to R2P. However, neither state has played a prominent role in opposing R2P, and they have little, if any, influence in the region.

Implementing R2P: Policy Prescriptions

What does all this mean for the effort to implement R2P? This section briefly identifies some policy prescriptions relating to two areas: (1) the process of advancing the R2P principle and (2) specific policies supported by states in the region. While a deepening consensus is possible in the Asia-Pacific region, advocates need to pay careful attention to process. Policies that may be popular in the West because they speak to a security-focused agenda – such as early warning, sanctions and intervention – should not be privileged over other equally effective programmes that are longer-term and more development-focused. Such prioritization would only confirm existing perceptions in Asia-Pacific about the principle’s irrelevance and concerns about R2P justifying coercive Western interference. To avoid this, advocates should bear in mind five interlinked points that are drawn from the preceding analysis.

First, it is important to stress that R2P applies only to the four sets of crimes identified by the World Summit Outcome Document and not other sources of human insecurity, such as natural disasters, generalized human rights abuse and armed conflict in general. While states in the Asia-Pacific region are prepared to acknowledge a responsibility to protect civilians from genocide and mass atrocities and to admit a role for international actors in this endeavour, they remain concerned about the potential expansion of R2P. Thus, for example, there was broad agreement that R2P did not apply in the aftermath of Cyclone Nargis. Attempts to argue the contrary only strengthened scepticism about the principle itself (see Caballero-Anthony & Chng, 2009; Haacke, 2009). Furthering consensus on R2P and moving towards implementation is therefore dependent on limiting the principle’s scope to that which was agreed by states.

Second, and linked to this, it should be made clear that R2P is embedded in existing international law and that the principle does not expand the scope for
coercive interference in the domestic affairs of states beyond the UN Charter. Throughout this article, we have noted concerns about the potential for R2P to legitimize coercive interference, yet the World Summit Outcome Document makes plain that measures taken without the consent of the host state must be authorized by the Security Council. The various other instruments that may be used, such as diplomacy, humanitarian assistance, capacity-building, regional arrangements and peacekeeping, typically require the consent of the host state. In this context, R2P is best understood as a political commitment to implement already existing legal obligations in a manner consistent with international law. Not only are suggestions to the contrary inconsistent with what states agreed to, they are also likely to damage consensus on R2P and moves towards implementation.

Third, given that R2P is embedded in existing international law and given the problems associated with coercive interference, international efforts to implement R2P should be predicated on cooperation and the consent of the state as far as possible. Coercion is highly controversial and often unsuccessful. Moreover, given the current configuration of the UN Security Council and its past practice in cases such as Myanmar and Zimbabwe (see above), it is unlikely that coercive measures would receive the required authorization in any but the direst of circumstances. Focusing on those aspects of implementation that can be achieved through cooperation with the states involved would therefore be advantageous for two principal reasons: first, there is greater likelihood of securing the agreement needed to act on proposed policy options; second, focusing on non-coercive aspects will help demonstrate that R2P is not primarily concerned with expanding the scope of interference and that the principle can, in fact, help strengthen state sovereignty.

Fourth, global norms need to be ‘localized’ in order to be internalized and thereby implemented. According to Acharya (2004: 251), norm localization is the ‘process in which external ideas are simultaneously adapted to meet local practices’. Thus, to be diffused in regional settings, norms must take account of regional preferences and attitudes. In Asia-Pacific, this means that R2P must be reconciled with the principle of non-interference and applied in a manner consistent with it. There is no space here to discuss in detail how this might be achieved, but it is important to stress that reconciliation needs to be a two-way street. On the one hand, we need to recognize subtle changes in the way that non-interference is conceptualized. While wholesale reworkings, such as the notion of ‘flexible engagement’, were generally rejected by the region when proposed in the 1990s, there have been subtle shifts in practice. As we noted earlier, China acknowledges that grave humanitarian crises are a matter of international concern, and several key ASEAN members – especially Indonesia, the Philippines, Singapore and Thailand – have argued that the Association should play a proactive role in relation to Myanmar. On the other hand, it is important to stress that R2P is consistent with non-
interference inasmuch as coercive interference must be authorized by the UN Security Council.

Fifth, it is important that R2P be embedded in regional arrangements as far as possible. This will help the process of localization as well as encourage the development of regional capacities. It is widely acknowledged that, as a whole, the Asia-Pacific region lacks institutional capacity. Regional arrangements such as the Asia-Pacific Economic Conference and the ASEAN Regional Forum (ARF) lack standing secretariats. Although the ARF, for example, has a potential capacity to conduct diplomacy through its Expert and Eminent Persons Group, this mechanism has yet to be used in practice. There is therefore much work to be done in this domain, but important progress was made in June 2009 when the Council for Security Cooperation in the Asia-Pacific (Track Two but formally linked to the ARF) agreed unanimously to establish a Study Group on R2P. The group’s findings will help draft a memorandum that will be submitted to the ARF.

What, though, does all this mean for the four programmatic dimensions identified by the secretary-general’s special adviser, Edward Luck? To what extent will these secure the support of governments in the region? Of the four areas identified by Luck, the preceding analysis suggests broad support from advocates, R2P-engaged states and fence-sitters for two of the areas: capacity-building and -rebuilding with the cooperation of the relevant authorities, and enhanced collaboration between the UN and regional organizations. The region’s states have tended to welcome cooperative initiatives such as capacity-building, and there are clear linkages between building the capacity of states and societies to prevent genocide and mass atrocities and supporting economic development – a core priority for many, if not all, states in the region. Likewise, emphasis on regional organizations promotes regional ownership and allays fears about the potential for R2P to erode cherished local norms such as non-interference. Moreover, by emphasizing ways in which the UN can help build regional capacity, this approach promises to deliver practical benefits to populations in need.

The remaining two programmatic dimensions identified by Luck – early warning and assessment and measures to improve timely and decisive response – are likely to require more consultation and dialogue before proposals likely to secure a consensus within the Asia-Pacific region can be brought forward. In relation to early warning, we noted that, other than the region’s four advocates, almost every government is concerned about the potential expansion of international interference in domestic affairs. Because early warning has traditionally been associated with monitoring and reporting on domestic affairs, it is unlikely that a consensus on an institutional form for the commitment made in 2005 will emerge in the short term. Nonetheless, governments in the region have committed to strengthening early warning as part of their commitment to R2P, and none have walked away from that
commitment. Dialogue should canvas a variety of potential forms designed to minimize the perception of interference and include an investigation of how regional organizations might contribute. Finally, most of the region’s states remain deeply cautious about the potential for ‘timely and decisive’ response mechanisms to legitimize coercive interference. On the Security Council, China and Vietnam have repeatedly argued that R2P-related matters only become appropriate subjects for Council consideration when they impact ‘international peace and security’. Other states, such as Indonesia and the Philippines, have taken a slightly softer view while sharing the basic sentiment. As seen most clearly in relation to Myanmar and Zimbabwe, but also to an extent in relation to Darfur, attempts to persuade the Council to act in situations that fall short of this mark – especially when such attempts do not enjoy the support of the relevant regional organization – are likely to attract opposition in the Asia-Pacific region and may reinforce caution about R2P. This suggests that a broad approach to ‘timely and decisive’ reaction should be adopted that identifies the potential contribution of other UN bodies, such as the Human Rights Council, the Peacebuilding Commission, the secretary-general’s good offices and regional organizations. There should also be more operational questions about how to make peace operations – once deployed under the mandate of either the UN or other intergovernmental agencies – better able to protect populations from genocide and mass atrocities.

Conclusion

The Asia-Pacific region is more open to the R2P principle than has hitherto been realized, with only two of the region’s governments condemning the principle out of hand. Most states in the region are either R2P-engaged, in that they have endorsed the principle and engaged in dialogue – whether positively or not – about its implementation, or fence-sitters, in that while they have acquiesced or endorsed the principle while noting some concerns, they have not contributed to ongoing debate about its operationalization. Therefore, regional consensus is possible, but much work needs to be done on the way in which the principle is articulated and advanced to take better account of the region’s concerns and priorities. In particular, it is important to pay attention to both the process by which R2P is moved forward – ensuring that it is both inclusive and ‘localized’ – and to specific policy proposals that emanate from the Asia-Pacific region.

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