ASEAN AND THE RESPONSIBILITY TO PROTECT (R2P) : A CASE STUDY OF CYCLONE
NARGIS IN MYANMAR

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อาเซียนและหลักความรับผิดชอบในการปกป้อง (R2P) : ศึกษากรณีไซโคลนนากิสในพม่า

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หลักการความรับผิดชอบในการปกป้อง (The Responsibility to Protect) หรือ R2P ถือกำเนิดจากรายงานของคณะกรรมาธิการระหว่างประเทศว่าด้วยการแทรกแซงและอธิปไตยของรัฐ (ICISS) ในปีค.ศ. 2011 และสหประชาชาติรับหลักการนี้ในเอกสารการประชุมสุดยอดผู้นำในปี ค.ศ. 2005   ผลที่ตามมาคือ รัฐและประชาคมระหว่างประเทศจึงมีพันธกรณีที่จะต้องปกป้องประชาชนจากอาชญากรรมสี่ประการ อันได้แก่ การฆ่าล้างเผ่าพันธุ์ อาชญากรรมสงคราม การชำระล้างชาติพันธุ์ และ อาชญากรรมต่อมวลมนุษยชาติ   เหตุการณ์แรกในภูมิภาคเอเชียตะวันออกเฉียงใต้ที่เข้าข่ายความรับผิดชอบภายใต้หลักการ R2P คือ กรณีพายุไซโคลนนากิส ค.ศ. 2008 อันส่งผลให้ชาวพม่าต้องรับเคราะห์จากภัยธรรมชาติจนส่งผลกระทบต่อสิทธิมนุษยชนขั้นรุนแรงจากการละเลยความรับผิดชอบของรัฐบาลทหารพม่าในการให้ความปกป้องพลเมืองของตน

งานวิจัยชิ้นนี้ใช้กรอบความคิดของ Amitav Acharya เรื่อง Norm Localization เป็นกรอบในการวิเคราะห์ โดยศึกษาว่า การปรับบรรทัดฐานระหว่างประเทศให้นำมาใช้ปฏิบัติได้จริงในแต่ละพื้นที่นั้น บทบาทของ Norm Entrepreneur มีส่วนสำคัญอย่างยิ่ง ในกรณีของไซโคลนนากิส งานวิจัยมุ่งวิเคราะห์การนำเอาหลักการ R2P ซึ่งเป็นบรรทัดฐานใหม่จากภายนอกภูมิภาคมาปรับใช้ผ่านการจัดการปัญหาโดยองค์การความร่วมมือส่วนภูมิภาค คือ อาเซียน

จากการศึกษาพบว่า มีความเชื่อมโยงอย่างชัดเจนระหว่างบรรทัดฐานระหว่างประเทศ อันได้แก่หลักการ R2P และ บรรทัดฐานในพื้นที่ อันได้แก่ การให้การปกป้องคุ้มครองสิทธิมนุษยชนอาเซียนดังปรากฏในกฎบัตรอาเซียนและแผนแม่บทว่าด้วยความร่วมมือด้านการเมืองและความมั่นคง (ASEAN Charter and ASEAN Political and Security Community—APSC) ซึ่งส่งผลให้การนำหลักการ R2P มาปรับใช้สามารถดำเนินไปได้   ภายใต้แรงกดดันจากประชาคมระหว่างประเทศที่จะเข้าแทรกแซงในพม่าโดยอ้างหลักการ R2P   อาเซียน โดยเลขาธิการอาเซียนในขณะนั้น คือ ดร.สุรินทร์ พิษสุวรรณ เป็นผู้มีบทบาทสำคัญในฐานะ Norm Entrepreneur ในการเป็นตัวกลางประสานความร่วมมือระหว่างผู้นำทหารพม่า และประชาคมระหว่างประเทศ จนกระทั่งสามารถนำความช่วยเหลือด้านมนุษยธรรมเข้าสู่พม่าได้ ด้วยการนำของอาเซียน ผ่านกลไกความร่วมมือ 3 ฝ่าย (Tripartite Core Group) ทำให้อาเซียนประสบความสำเร็จในการให้การปกป้องผู้ได้รับผลกระทบจากภัยธรรมชาติจำนวนมาก โดยยังคงรักษาหลักการและบรรทัดฐานของอาเซียนในเรื่องการไม่แทรกแซงกิจการภายในของรัฐสมาชิกไว้ได้ และประเด็นนี้จึงมีนัยยะสำคัญต่อการปกป้องสิทธิมนุษยชน และประเด็นความมั่นคงของมนุษย์อันเป็นหัวใจสำคัญของประชาคมอาเซียนที่มีประชาชนเป็นศูนย์กลางในอนาคต

สาขาวิชา เอเชียตะวันออกเฉียงใต้ศึกษา	ลายมือชื่อนิสิต ....
ปีการศึกษา 2556	ลายมือชื่อ อ.ที่ปรึกษาวิทยานิพนธ์หลัก ....

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THU THI ANH NGUYEN: ASEAN AND THE RESPONSIBILITY TO PROTECT (R2P) : A CASE STUDY OF CYCLONE NARGIS IN MYANMAR. ADVISOR: ASST. PROF. PRANEE THIPARAT, Ph.D., 131 pp.

The Responsibility to Protect, commonly abbreviated as R2P or RtoP, was first mentioned in the report of the International Commission on Intervention and State Sovereignty (ICSS) in 2001 and adopted in the World Summit Outcome Document by the United Nations General Assembly in 2005. Accordingly, states and the international community are obliged to be responsible for protecting its citizens from the four crimes – genocide, war crimes, ethnic cleansing, and crimes against humanity. The first R2P-related case in Southeast Asia can be found in the post-Nargis cyclone situation where the Burmese victims suffered from the natural disaster and man-made violation of human rights by the military government.

The research adopts Acharya's theory of Norm localization as theoretical framework for analysis. In norm localization, norm entrepreneurs play an important role in adapting foreign norms to be congruent with local norms. This study aims at exploring the diffusion of R2P into ASEAN and the impacts of R2P on ASEAN's management of cyclone Nargis.

The thesis finds the connecting links between the external norms - R2P and the local norms – promotion and protection of human right in a people-oriented community in ASEAN Charter and ASEAN Political Security Blueprint. This provides a normative ground for the evolution of R2P in ASEAN. In the case of post-Nargis cyclone situation, under the international pressure of possible military intervention in the name of R2P, ASEAN through ASEAN's Secretary-General played a vital role in negotiations to bridge the junta and international community, and facilitating humanitarian assistance. With the ASEAN-led Coordinating Mechanism and Tripartite Core Group, ASEAN was successful in fulfilling the protection of cyclone-affected victims and maintaining local norms of non-intervention in member states' affairs. This has implications on human security and human rights protection in ASEAN in future.

Field of Study: Southeast Asian Studies   Student's Signature ....

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CONTENTS

ABBREVIATIONS

AHTF	ASEAN Humanitarian Task Force
AP R2P	Asia-Pacific Centre for the Responsibility to Protect
ASEAN	Association of Southeast Asian Nations
APSC	ASEAN Political Security Community
ERAT	Emergency Rapid Assessment Team
EU	European Union
ICC	International Criminal Court
ICISS	International Commission on intervention and State Sovereignty
OECD	Organization of Economic Cooperation and Development
PONJA	Post-Nargis Joint Assessment
PONREPP	Post-Nargis Recovery and Preparedness Plan
R2P	Responsibility to Protect
TCG	Tripartite Core Croup
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNHRC	United Nations Human Rights Council
WSOD	World Summit Outcome Document

CHAPTER I: INTRODUCTION

1.1 Rationale

The Myanmar's junta continues to commit human rights violations. The report "Quality of Partnership: Myanmar, ASEAN, and the World Community" (Asian Dialogue Society, 2006) points out a wide range of issues of security and human rights violations in Myanmar. The citizens are deprived of basic rights of expression and peaceful assembly. They also suffer from child labors, forced soldiers, mass rape of women and human trafficking in ethnic minority areas, spread of HIV and other severe diseases, weapons proliferation, political prisoning and detaining, illegal displacement and migration, and uneven opportunity to education (Robert, 2009). Robert (2009) noted that Burma's record on human rights is known as the worst in Asia and out of the worst all over the world. It results from long ethnic conflict, the failure in the leadership of the Tatmadaw.

The internal situation in Myanmar, along with the ineffective state capacity by the military government poses a challenge to ASEAN's security community. The "Saffron Revolution" in which thousands of monks and protesters were violently cracked down took place two months prior to the presentation of ASEAN's Charter. The continuing human rights violations in Myanmar not only challenged the evolution in ASEAN's institutionalization but also reflected ASEAN's inability to

engage to provide the junta with necessary measure to address the occurring human rights violations. In order to conform to the values endorsed in ASEAN Charter, which was introduced in 2007, ratified in September 2008, and took effect in December 2008, ASEAN's rationale needed to be changed when the cyclone Nargis came on May 2, 2008 and led to a humanitarian crisis in Myanmar. ASEAN's effort to deal with the catastrophe following the cyclone Nargis in Burma will help to eliminate a major barrier related to the ASEAN's failure to address Myanmar's crisis in previous years (Robert, 2009).

On 2nd May 2008, Cyclone Nargis struck Myanmar and caused huge impacts on the people. The Irrawady Delta was devastated. Approximately 20,000 people were injured, about 138,000 people died or missing, and approximately 800,000 are displaced (PONJA, 2008). Notably, the Cyclone Nargis took place shortly before the constitutional referendum in Myanmar. Because the referendum aims at reinforcing the legitimacy of the military government, Myanmar government was very reluctant to allow external assistance to affected people and the government went on neglecting the enormous human suffering in the natural disaster in the South (Bellamy & Beeson, 2010). Haacke (2008, p. 162) describes the obstruction of emergency relief by the military government as the "malign neglect" towards its vulnerable people. This issue led to an international debate over whether the international community should invoke R2P to respond to the deliberate withhold of

aid for cyclone-affected victims (Asia Pacific Centre for the Responsibility to Protect, 2008).

What is R2P? R2P first emerged in the report entitled "The Responsibility to Protect" by the International Commission on Intervention and State Sovereignty in December 2001 (ICISS, 2001). The objective of developing R2P is to provide the solution to the dilemma[1] to reconcile the two concepts of state sovereignty and humanitarian intervention (Evan, 2006). After the Cold War, since the intra-state conflicts outweigh the inter-state conflicts, interventions are necessary to recuse internal population from humanitarian crisis. However, these kinds of humanitarian interventions undermine state sovereignty. Generally, R2P was established to guarantee that the international society will not fail to take action to deal with human right violation (Evans, 2006, para. 4). In the 2005 World Summit, R2P was adopted with the approval from national leaders, and was affirmed in paragraph 138 and 139 in UN's resolution 1674. Accordingly, states are obliged to be primarily responsible for providing protection for its citizen from four crimes: genocide, war crimes, ethnic cleansing, and crimes against humanity. In this process, the global community should provide assistance for states by different means of economic

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[1] The UN Secretary General Kofi Annan expressed his concern in his Millennium Report 2000 in the General Assembly in 2000 that, "If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violations of http://www.un.org/en/events/pastevents/pdfs/We_The_Peoples.pdf

assistance or capacity-building, etc. When states are unwilling or incapable of doing so, this responsibility will fall upon the international society. Specifically, the R2P involves the "Responsibility to prevent" through the examination of the root cause of the conflict, the "Responsibility to react" through appropriate response to R2P-like crimes, and the "Responsibility to rebuild" through assistance provision in the reconstruction process, particularly after the involvement of military intervention in the conflict (Bellamy, 2010).

After it was globally endorsed in 2005, R2P was applied into different regions in the world. That is why even though R2P was formulated by the UN, the role of regional arrangements in its implementation has not been taken for granted. As a good member in the international community, ASEAN unanimously support the World Summit Outcome Document WSOD (UNGA, 2005). In the Secretary General's report "The role of regional and sub-regional arrangements in implementing the responsibility to protect", the co-operation from global to regional level to protect populations from four R2P-crimes is emphasized.

The relevance between ASEAN and R2P can be further explored in regards of the enduring regional experience related to mass atrocities in the past. Other than the genocide led by Khmer Rouge Regime in Cambodia in 1975-1979, ASEAN also witnessed the mass atrocities in East Timor in 1999 after armed conflict following the

referendum for independence from Indonesia, and recently in Myanmar after Cyclone Nargis in 2008. As these humanitarian crises are consequential to regional and international relations, ASEAN states have the reasons for contributing to the implementation of R2P in order to make sure R2P-like crimes will "Never Again"[2] occur in ASEAN.

However, when it comes to the promotion of R2P in this region, the story is not much optimistic since ASEAN states still keep suspicion of R2P (Askandar, 2005). This is understandable because ASEAN states largely focus on sovereignty as control and non-interference to protect state security, and are unfamiliar with sovereignty as responsibility to protect human rights and human security (Haacke, 2009, p. 161). Tan (2011, p. 202) also shows ASEAN's perception of sovereignty that "ASEAN states, for all intents and purposes, continue to maintain and promote sovereignty as an inalienable and unequivocal right rather than as a responsibility". Moreover, even though it is recognized that R2P implementation helps to achieve the goal of human rights promotion as endorsed in ASEAN Political-Security Community APSC Blueprint, ASEAN states are concerned that R2P allows the domination of the strong against the weak states through coercive intervention (Cabellero and Chng, 2009).

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[2] See UNGA. (2012). "World Not Fulfilling "Never Again" Vow delivered by the United Nations' Secretary-General at the General Assembly Meeting on Responsibility to Protect. *Sixty-sixth General Assembly GA/11270*. Available from   http://www.un.org/News/Press/docs/2012/ga11270.doc.htm

Despite the skeptical attitude towards R2P application, the localization of R2P in ASEAN is still possible when it comes to the fact that no ASEAN members disapprove the norm. This can be seen through the statement made by ASEAN states at the UNGA debate in July 2009 that ASEAN's support for R2P has been reaffirmed since 2005 (Caballero, 2012). Interestingly, while supporting R2P, each ASEAN member has its own concern towards the application of R2P in the region. Particularly, Singapore and Malaysia claimed that the issue of economic provision should be included as a contributing factor to human security. Indonesia expressed its support on the role of ASEAN in assisting the state-capacity building[3]. The Philippines is concerned that whether the emphasis on R2P will result in the budget imbalance of three elements of development – peace promotion, sustainable development, and human rights[4]. However, the biggest challenge to the application of R2P in ASEAN is because regional conflicts "are not of the nature or intensity to warrant the R2P's invocation" (Caballero, 2012).

As Caballero claims above, as the conflict in ASEAN is far from the nature of R2P-type crimes, the study of R2P's application becomes challenging. In the meantime, the recent Cyclone Nargis in the south of Myanmar in 2008 is the first

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[3] See *UNGA. A/63/PV.97*. 97th Plenary Meeting, 23 July 2009, New York. Available from http://www.un.org/en/ga/search/view_doc.asp?symbol=A/63/PV.97&Lang=E , p. 8

[4] See *UNGA. A/63/PV.97*. 97th Plenary Meeting, 23 July 2009, New York. Available from http://www.un.org/en/ga/search/view_doc.asp?symbol=A/63/PV.97&Lang=E, p. 12

case that makes the consideration of operationalization of R2P in ASEAN highly compelling. The "malign neglect" (Haacke, 2008, p. 162) of human suffering in order to go on the referendum, the failure of the military government in meeting the urgent needs of victims of the disaster, as well as the deliberate refusal of international aid agency in humanitarian relief delivery raised the international concerns about the invocation of R2P to protect affected people. On May 7th 2008, Bernard Kouchner, who is the French Foreign Minister and also the founder of Doctors without Borders, suggests the application of R2P to provide protection for Myanmar affected people even against the desire from the military government because of its commitment of crimes against humanity (Bellamy & Beeson, 2010).

It is important to note that even though the Cyclone Nargis situation does not fall under the scope of R2P-type crimes[5], the prominent role of ASEAN in handling the disaster in Myanmar in 2008 can be a manifestation of the occurrence of the concept of "sovereignty as responsibility"[6] in the region. The responsible sovereignty

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[5] The Asia Pacific Centre of Global Responsibility to Protect insists that the Cyclone Nargis situation is not a R2P-like crimes, hence applying R2P in this case is a misapplication of R2P. See Asia-Pacific Centre for the Responsibility to Protect. (2008). *Cyclone Nargis and the Responsibility to Protect. Myanmar/Burma Briefing No.2.*. Available at http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=539

[6] In the 1990s, there were 25 million internally displaced persons (IDPs). Deng, F. and Cohen, R. developed the term "sovereignty as responsibility" to place responsibility to provide protection and assistance to IPDs on individual government. They also insisted that if the host government was not sufficient enough to do so, it should rely on international assistance which helps states perform its

in this situation can be defined by the fact that the humanitarian assistance led by ASEAN following the Nargis Cyclone shows the responsibility of Myanmar state and the international society to provide protection to affected people rather than on the right of intervene in an internal issue (Evans, 2006, para. 12). As a result of the emerging responsible sovereignty, ASEAN states are less aggressive when challenges to traditional sovereignty arise and more willing to accept new norms and ideas that promote human security and human rights (Bellamy, 2010). This can pave the way for the development of the principle of R2P as well as the promotion of human right and human security within ASEAN in order to build a "people-oriented" ASEAN Community (ASEAN Charter, 2008a).

As explained above, the study of the impacts of R2P on ASEAN's management of humanitarian crises through the case study of Cyclone Nargis should be very interesting and much relevant to the regional building of ASEAN, particularly concerning human rights protection. Nevertheless, in-depth studies on the topic of R2P in ASEAN are quite limited. Therefore, I would like to fill this gap by conducting this research to assess the implementation and application of R2P on ASEAN's reaction to humanitarian crises by a case study of Cyclone Nargis in Myanmar.

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sovereignty responsibility. See Deng, F. (1993). *Protecting the Dispossessed: A Challenge for the International Community*. Washington: Brookings Institution.

1.2 Research Objectives

The objectives of this research are four folds:

(1) To study ASEAN's capabilities to protect Myanmar citizens from humanitarian suffering in Cyclone Nargis in 2008

(2) To examine the connecting link between ASEAN and R2P by exploring ASEAN Charter and APSC.

(3) To assess the implementation and application of R2P norm in ASEAN's management Cyclone Nargis in Myanmar, using Amitav Acharya's Theory on Norm Localization as a theoretical framework.

(4) To examine the implications of the Cyclone Nargis in Myanmar on ASEAN's responsibility to protect its people from human right violation in the future.

1.3 Research Questions

The study provides the answers to the following inquiries:

(1) How did ASEAN respond to Cyclone Nargis in Myanmar when the military government ignored the suffering of its citizens during the disaster in 2008? What are the highlights of Secretary-General of ASEAN in handling this catastrophe?

(2) Is there any connecting link between ASEAN and R2P? If yes, to what extent do the ASEAN Charter and APSC Blueprint support or constraint the localization of R2P in ASEAN?

(3) Even though Cyclone Nargis is not R2P-type crimes, is ASEAN's response to cyclone Nargis (especially through the role of Secretary-General) influenced by the norm of R2P? If yes, what are the impacts of R2P concept on ASEAN in dealing with the Cyclone Nargis in Myanmar?

(4) In applying R2P norm in the management of natural disaster, what implications does the case of Cyclone Nargis have on ASEAN's reaction on situation regarding human rights, human security in the future?

1.4 Literature Review

1.4.1 Myanmar and the Cyclone Nargis in 2008

Generally, the Cyclone Nargis left an array of humanitarian, political and social impacts which was beyond the consequence of a natural disaster. The cyclone occurred in a country which endures an array of dynamic conflicts throughout decades. This context exacerbates the impacts of cyclone Nargis in Myanmar. It is

obviously necessary to review the country situation in Myanmar before it was attacked by the cyclone Nargis.

1.4.1.1 Humanitarian Situation in Myanmar before Cyclone Nargis

Myanmar has been experiencing several internal conflicts. In Myanmar, the Burmese are the majority group, making up nearly 68 per cent. Other minority ethnic groups occupies 32 per cent of the total population. This country witnessed several internal ethnic conflicts between the Burmese, Karen, Shan, and Rakhine states. Land deprivation, internal displacement and forced resettlement of ethnic minority group lead to widespread violence throughout the country. Despite several ceasefires, security cannot be achieved (Kauffman, D & Krugen, S, 2010).

Another problem is that international assistance was restricted for political reasons. Compared to other least developed countries, Myanmar only receive one-twentieth of the total aid (Department of State Background Note on Burma, 2009). The activities of international agencies, humanitarian aid and relief are limited. Along with financial sanction by Western donors on Myanmar for 20 years, economic mismanagement under the military dictatorship for 40 years deteriorates the

economy and limits human development for Myanmar people[7]. Therefore, the population suffers from insufficient human security and dynamic political, ethnic and religious conflicts and violence (Listening to the Voice from Inside, 2008).

1.4.1.2 Myanmar's Response to Cyclone Nargis

Literature review contributes to show the irresponsible response by the military government since the cyclone Nargis was approaching from the Southern coast until it struck the country and affected the population. Five days before the cyclone hit the country, on April 29 2008, even though the Burmese Department Meteorology and Hydrology received warning from the Indian counter-partner of the coming of a serious storm toward the South of Burma, the junta failed to recognize the severity of the disaster and announce any alert to the public (Human Rights Watch, 2010). Lack of insufficient information led to a great loss in the aftermath of the storm (Willis, 2012).

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[7] It ranks as 132 out of 177 on the UNDP's Human Development Index. See UNDP. (2007). Human Development Index Report. Available at http://hdrstats.undp.org/countries/country_fact_sheets/ cty_fs_MMR.html

Many studies on human impacts of the cyclone Nargis have been carried out. Descriptive statistics and analysis shows that the cyclone Nargis destructed the life of 2.4 million people in rice-planting Ayeyarwady delta. Approximately 140,000 people died or missing; and 19,000 were injured, about 800,000 people were displaced, thousands people become homeless. Serious damage of infrastructure including houses, schools, factories, roads, electricity and water supplies, transportation system, and health facilities was found (Willis, 2012; Kauffman & Krugen, 2010).

Following the cyclone Nargis, while 2.4 million victims of the disaster were struggling to survive on humanitarian assistance, the military government sent the armed force to affected areas. However, the Tatmadaw was not deployed immediately and they were in the field some days after the cyclone came. In addition, Seekins (2009) indicates that because of inadequately equipped, and lack of experience, their operation of relief and reconstruction was totally ineffective.

An array of reports and studies on the recovery process after cyclone Nargis can be found. These studies focus on the disaster risk reduction, resources management, and the coordination in recovery and rehabilitation. They highlights

some dimensions in emergency relief such as shelter development, health and psychological support, livelihood development, water supply and sanitation, infrastructure and public services (Rehabilitation in Myanmar, 2010). Remarkably, Stover and Vinck (2009, p. 729), proposes the four key factors of success in the recovery and reconstruction in the aftermath of natural disasters: 1) transparency and accountability by the government in distributing relief aid, 2) full protection of affected people, 3) involvement of civil society, and 4) participatory planning and implementation in recovery and reconstruction. In her critical book, Leggette (2008) provides an analytical evaluation of the ineffectiveness and irresponsibility of the Myanmar government in dealing with the cyclone Nargis in regards of the four elements mentioned above.

In terms of structural unaccountability, Leggette (2008) shows that governmental officials interfered in the relief distribution through corruption and diversion of relief aid, harassment of aid workers, and controlling information on aid delivery. These misbehaviors are confirmed by Amnesty International (2011) in their research in the aftermath of cyclone Nargis. Amnesty International reveals more than forty accounts of confiscation of emergency relief by soldiers and local authorities. According to Amnesty International, this did not come as a surprise in Myanmar which ranks among of 179 most corrupted countries in the 2007 Corruption Perception Index by Transparency International. In addition, Amnesty International

also witnessed the discrimination and conditioning of relief aid through three reports in which survivors were required to vote for the military government in the constitutional referendum on May 24 as a condition to receive aid. Last but not least, Seekins (2009) criticized that Myanmar's national media devoted their time to the incoming referendum rather than the humanitarian crisis. The military government also prohibited foreign media staff from reflecting the emergency situation (Community-driven Recovery, 2009). As a consequence of inadequate information by national news agencies, humanitarian non-government organization (NGOs), serious needs assessments and relief and reconstruction monitoring cannot be covered in transparency.

In regards of dimension of human rights protection, Leggette's study (2008) also reveals the on-going human rights violation in cyclone-affected areas in Myanmar. This point is also supported by other studies (Suvanvanlchkji, V., et al., 2010). Following the deadly storm, while the 2.4 million victims were waiting for assistance, the military government deliberately rejected emergency relief and restricted access to affected areas in Ayeyarwady delta (Burma after Nargis, 2008). As the government required foreign humanitarian workers to have travelling permits, they need to wait in Bangkok for working visas and all humanitarian activities was delayed (Human Rights Concern one Month Later, 2008). According to Amnesty International, the inhumane ignorance of enormous suffering by the junta and

deliberate refusal of external assistance deprives the basic rights to food for the cyclone-affected victims. This is an act of violating human rights of millions of Myanmar people.

To justify for this human rights violation by Myanmar government, Stover and Vinck (2009) refers to the Report on human rights of internally displaced persons by the United Nations Human Rights Council. He argued that the forced displacement of victims out of schools and monasteries to save rooms for the constitutional referendum is the violation of the UN's principles of internal displacement. Not only the rights to food and shelter but the victims were also denied from their rights to health. First, neither governmental nor private doctors gained access to refugee camps to reach the affected populations and took care of them. Moreover, most of survivors suffered from psychological trauma because they had to witness the dead bodies of their family members. This is the consequences of mismanagements of more than ten thousands of dead bodies, particularly in identifying, locating and disposing them..

These human rights violations are not new in Myanmar in the context of its poor record in human rights violations. Several points undermining human rights can be found in the 2008 Constitution, Election laws. It can also be seen by the on-going imprisonment and repression of politicians, widespread armed conflicts and internal

displacement until now (Amnesty International, 2011, p. 8). When it comes to cyclone Nargis, Amnesty International expressed its fears that further violations can be resulted from cyclone Nargis. Humanitarian assistance was not delivered in transparency and accountability to ensure that victims could get it when they were in needs without any discrimination and condition. Amnesty International concluded that the military government totally failed to provide protection for cyclone-affected population in terms of food, shelter, health. Therefore, no freedom from displacement and forcible resettlement was guaranteed.

Numerous studies providing lessons learnt from the relief and recovery in cyclone Nargis were carried out. It is pointed out the reason for the failure of the military government in responding effectively to cyclone Nargis is their inexperience in logistic capacity and distrust with the Western humanitarian assistance (Stover, E. and Vinck, P, 2008). They proposed that ASEAN and other organizations should support Myanmar to develop its disaster risk reduction capacity through emergency preparedness, early warning system, and evacuation planning. Additionally, from the perspective of Amnesty International (2011), human rights protection should be the first priority in the relief distribution and reconstruction. Hence, it is necessary to integrate vulnerable groups and all ethnic minority groups in the recovery process and make sure the distribution of relief aid is conducted in equity and effectiveness

(Amnesty International, 2011, p. 2). Last but not least, pointing out the importance of local logistic facilities, transportation system, Steele (2013) emphasized the coordination between the local government and external humanitarian agencies to develop the comparative advantages of each partners in delivering relief to victims.

Despite of the rich literature review on cyclone Nargis, studies on this natural disaster from the framework of Responsibility to Protect is limited. This provides motivation to carry out this study. The next part will provide an insight into the concept and development of R2P since it was endorsed in the WSOD in 2005 by the UNGA.

1.4.2 R2P – What is it?

1.4.2.1 The Core Idea of R2P

Among the norms that are widely recognized in the last century, none of the new rules in international law receives as much attention and approval as the R2P in the international arena (Thakur and Weiss, 2009). Therefore, it is worth to briefly discuss the literature review on this concept and its development.

With the collapse of bi-polar Cold War structure, Lee (2012) claims that the intra-state conflicts replace inter-state conflicts[8] and become new threats to the peace. Some examples can be found in the cases of Somalia (1992-93), Bosnia (1991-95), Rwanda (1994), Haiti (1994), Kosovo (1998-99) and East-Timor (1999), Lybia (2011), Syria (2012). Facing with the proliferation and escalation of intra-state conflicts, the UN has been looking for a new framework of action for humanitarian intervention (Lee, 2012). Since the Geneva Convention, there was a division in the UN between the supporter of humanitarian intervention and proponents of state sovereignty (Evans, 2006). In reconciling the principles of state sovereignty and human rights protection, ICISS issued a report "The Responsibility to Protect in 2001 (Bellamy, 2009). The 2005 World Summit of the UN General Assembly ended up with important World Summit Outcome Document in which three non-sequential pillars of R2P were reflected in the two paragraphs -138 and 139. Through the resolution 60/1, the UNGA adopted the WSOD; later the provisions on R2P in the WSOD were endorsed in UNSC's resolution 1674 in 2006.

Basically, R2P includes three sub-principles. The Responsibility to prevent implied the obligations primarily of states and international community to prevent

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[8] Among the 29 significant conflicts in the first decade in the 21st century, there are up to 27 internal cases. See Chapter 2: Major Armed Conflict. *Stockholm International Peace Research Institute SIPRI Yearbook 2011*. Available at http://www.sipri.org/yearbook/2005/02.

mass atrocities by addressing the root cause or direct causes of internal conflicts that tend to cause large-scaled loss of life in the four forms of R2P crimes before they escalate (ICISS[9], 2001, p. 27). The Responsibility to react starts when states fail to respond effectively to address the occurrence of four crimes. Finally, after the crisis is come over, the international community is responsible for assisting the host government in maintaining a "lasting settlement" (ICISS[10], 2001, p. 45) and sustainable peace by strengthening its political structure (in terms of security, justice, reconciliation, and development disarmament, demobilization and reintegration of local armed force.

It is widely recognized that the establishment of R2P contributes several normative ideas to the international humanitarian policy (Weiss, 2004). This is described by Ramesh Thakur and Thomas G. Weiss (2009, p. 2) as the most significant normative advance since the Cold War ended. Firstly, they clearly show that R2P contributes to redefine the concept of traditional sovereignty. They indicate that sovereignty[11] was previously understood as the state's authority over its population

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[9] See ICISS. (2001). *The Responsibility to Protect*. Ch. 3. ICISS, Supplementary Volume, pp. 19-28

[10] See ICISS. (2001). *The Responsibility to Protect,* Ch.5.9, pp. 39-45

[11] The R2P breaks the new criteria of sovereign state in international relations and international law. According to Convention of Rights and Duties of States, sovereignty can be defined by three elements - its population, government and independence to have diplomatic relations with other states. The Montevideo Convention is commonly accepted as reflecting the general principles of customary

and resources within its border, which is recognized by the international law. However, as a result of numerous interventions in the 1990s, a new perception of sovereignty as responsibility emerges. In this line of thought, Weiss (2014, p. 36) emphasizes that sovereignty neither mean state's protection from the invasion or intervention by other states nor a right of the government to control the population within the border in whatever way they want, but the responsibility to protect endangered people within its territory. As a result, Evans elaborates that unlike the traditional UN Charter in 1946, states in the globalized world have dual responsibilities: states are externally responsible for respecting other states' sovereignty, and has a responsibility to provide protect internal people from mass atrocities (Evans, 2006). In sum, sovereignty as responsibility is the fundamental idea in the analysis of how R2P is applied in the chapter 3.

1.4.2.2 The Development of R2P

Literature review continues with the development of R2P by showing several important UNSC's report on R2P after its adoption in 2005. Four years later, the first report entitled "Implementing the Responsibility to Protect" was issued. This report is a manifestation of continuing effort in developing R2P by the international

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international law as they apply to the recognition of States. See Raid, D. (2002). *Statehood and Law of Self-Determination.* USA, Kluwer International Law, p. 24.

community within the framework unanimously agreed in 2005. The report is of great

importance because it helps develop necessary tools and strategies of implementing

R2P by the UN in order to prevent any misapplication of R2P for wrong purposes. In

this report, the UNSG Ban Ki-moon expressed constructive ways to operationalize

R2P.

The remarkable idea in this report is the outline of the "three pillars strategy"

(Ban, 2009, p. 2) in the implementation of R2P.

☐ Pillar One: The Protection Responsibilities of the State.

☐ Pillar Two: International assistance and capacity building.

☐ Pillar Three: Timely and decisive response.

In this report, the UNSG affirmed that the core idea of R2P can be found in

the concept of sovereignty as responsibility instead of humanitarian intervention

(Ban, 2009, p. 8). Implementing R2P helps states strengthen its own sovereignty with

a variety of "diplomatic, humanitarian and peaceful means" (Ban, 2009, p. 8). In this

context, the UNSG defined the "narrow and deep" approach to R2P which is

practiced when the dangers of the four R2P-related crimes arise.

In terms of each pillar, the 2009 Report clearly shows that the responsibility to prevent can be done by: (1) promoting human rights, (2) enhancing the capacity of political institutions, and (3) training capacities and providing learning means. To implement the second pillars, the international community is obliged to persuade the states in fulfilling the Pillar One, and also assist states to improve their capacities in implementing the Pillar One. The assistance of the international community can come in the form of providing development assistance, strengthening security sector, playing as mediators in conflicts resolution. It should be noted that the second pillar relies on the collaboration among sub-regional, regional institutions, civil society, and the UN to develop policies and practices to operationalize R2P widely. Lastly, in order to conduct the third pillar, state and the international community need to rely on (1) peaceful means such as fact-finding investigations, public advocacy, sanctions or embargoes or (2) the use of force that is only legitimized by the UN Security Council.

Notably, it is recognized in the report that each pillar is equally important. The practice of R2P in specific case should equally rely on the strength of each pillar in fulfilling R2P. Also, the three pillars approach to R2P recognizes the importance of prevention, early warning and assessment. This paves the way for the resolution on "Early warning, assessment and the responsibility to protect". Adopted in 2010, this resolution provide tools to fulfill the pillar three as well as proposes ways to make

good early warning in order to produce appropriate response when the risks of the

four crimes emerge.

The most relevant report to the research entitled "The Role of Regional and

Sub-regional Arrangements in Implementing the Responsibility to Protect" was

adopted in 2011. The coalition among local and international organizations is

considered as a multilateral alternative which helps to improve the capacity of

regional institutions and international community to provide protection and

prevention when mass atrocity crimes are committed. Multilateral collaboration in

implementing R2P also contributes to foster international solidarity and political will

in sub-regional, regional, and global levels. This is important because if political will

and capacity gap is found at any level, necessary response in a timely, decisive

manner is out of question.

In this report, Ban Ki-moon strongly indicated the significant role of individual

states as well as regional arrangement in promoting, implementing, and developing

R2P in local context. Specifically, states can engage themselves in multilateral

partnership by recognizing R2P domestically and promoting it in governing policies,

legislative system and national institutions (Ban, 2011, para. 11). To make this

partnership achievable, awareness-raising training should be conducted in different

regions. In this way, bottom-up approach can offer valuable lessons in implementing

R2P (Ban, 2011, para. 14 & 15). Regional organizations or neighboring countries can play the role in bridging international norms and states' behavior (Ban, 2011, para. 17). In other words, regional or sub-regional institutions can stimulate states to fulfill the R2P-related obligations that they have already ratified. Also, regional institutions can help to facilitate the communication and exchange of information from national to global level so that effective policies can be made at right time to address R2P-like crimes (Ban, 2011, para.28).

Additionally, it is emphasized that early and full consultation should be done among all levels to grasp an overall evaluation of on-going situation and prepare appropriate policy. Furthermore, because of different comparative advantages of different actors in terms of assets, needs, interests, and experiences, the multilateral partnership should be designed on the basic of case-by-case (Ban, 2011, para. 7). In this process, capacity gap should be taken into consideration.

To provide necessary means to fulfill the pillar three, UN Secretary General delivered the report "The responsibility to protect: timely and responsive response" in 2012. This report shows the link between prevention and response, as well as an analysis of different tools that mentioned in the third pillar.

To summarize, this part provides a brief account of the evolution of R2P. The continuing attempt by the international community in implementing R2P has been shown by a variety of studies, meetings, dialogues, experience sharing in a constructive and interactive manner among sub-regional, regional and global partners. R2P will be moved forward in a multilateral collaboration following the international commitment in the WSOD in 2005. In the next section, R2P is put into the local context of a regional institution - ASEAN.

1.4.3 R2P in ASEAN

In the local context of Southeast Asia, the literature review on R2P can be found in the works of prominent researchers i.e. Alex Bellamy, Rizal Sukma, and Noel Morada, etc. First of all, Southeast Asian states are concerned that R2P might be another form of humanitarian intervention that Western states developed to serve their own interests (Haacke, 2009, p. 159). In his article "R2P in Southeast Asia: Challenges and Prospects", Morada (2006) provides the view of key leaders in Southeast Asian region on humanitarian intervention. He shows that humanitarian intervention is hardly accepted in the region due to the regional experience with colonial rule and long war for independence with external powers. Humanitarian

intervention, to a great extent, is understood as an intervention in domestic affairs of other countries and has a destabilizing effect on the region.

On the other hand, there are some scholar recognizes the role of regional organization in intervening to address the conflict. Welsh (2002) explains why regional actors can be effective agents of intervention. He points that states in regional organization who reside next to the zone of crisis will be likely to act quickly to protect its national interests. Additionally, neighboring countries understand the complexity of the situation and local cultures better than external parties. Lastly, Welsh (2002) makes his point by comparing the workload of the regional arrangement and international organization. It is certainly that regional organizations are less overloaded and more motivated to handle the conflicts happening in member states if they are equipped with adequate capacity (Welsh, 2002).

In the meantime, positive attitude towards the acceptance of R2P in ASEAN has been observed. Bellamy and Beeson (2010) note that that ASEAN member states are more open to the idea of responsible sovereignty. Bellamy and Drummond (2011) also provide more elaboration on this idea, suggesting that the sovereignty as responsibility and principle of non-interference are not contradictory. They note that though non-interference has been the cornerstone of regional security order, interventions to protect human rights strengthens sovereignty. In addition, Bellamy

and Drummond (2011) suggest that ASEAN member states do not isolate themselves from international normative advance and are willing to support new norms and ideas in order to protect their population. This provides grounds for the emerging acceptance of the core idea of R2P – "responsible sovereignty" in ASEAN and facilitates the norm diffusion of R2P in this region.

ASEAN member states also keep positive attitude towards the implementation of R2P. ASEAN member states view that the implementation of R2P contributes to strengthen the capacity of regional organization in responding to humanitarian crisis, conforming to international human rights convention, enhancing good governance, and addressing cross-border crimes. The implementation of R2P in ASEAN helps to redefine the concept of sovereignty and diffuse R2P in the region (Asia-Pacific Centre for the Responsibility to Protect, 2008, p.3).

In regards of the implementation of R2P, the role of regional organization is recognized in UNSG's report named "The Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect". In this report, the UNSG strongly indicates significant roles of individual states and regional arrangement in promoting, implementing, and developing R2P in local context. In July 2009, in the discussion about R2P in the UN General Assembly, the six ASEAN member states participate to express their attitudes on R2P. Generally, they all approve

fundamental parts about R2P, and totally welcomed the 2009 report on "Implementing the Responsibility to Protect". They also insist that what is necessary is to implement R2P rather than renegotiate it.

However, as individual countries in Southeast Asian region have different political goals, they have different perspectives on R2P. Cambodia and Laos do not explicitly support R2P. Indonesia and Malaysia are concerned about the implementation of R2P. While Indonesia demonstrated its interests in developing preventive measures in fulfilling the three pillar approach, this country showed concerns that the early-warning capacity which might involve the report of domestic affairs of the host states to the UN is a challenge the principle of non-interference. Indonesia, therefore, suggested that information sources and dissemination in the assessment process should be done in transparency and fairness (Bellamy & Drummond, 2011). Additionally, Malaysian leaders have concerns that R2P-related capacity building might be redirected to strengthen civil society and weaken the state authority (Bellamy & Drummond, 2011). Whereas Vietnam approved R2P in the World Summit Outcome Document, it was still cautious that R2P might erode local principle of non-interference. In regards to Burma, in spite of its initial disapproval of R2P in 2005 this country surprisingly became supportive of R2P in 2009 with the condition that R2P is narrowly used to address the four crimes. Despite being a leading proponent of R2P, Thailand has been keeping silent about the

operationalization of R2P. Brunei, Singapore, and the Philippines keep a supportive attitude toward R2P but are concerned about military intervention which can be used to invoke R2P (Asia-Pacific Centre for the Responsibility to Protect, 2009).

It should be noted that in ASEAN where non-interference is the cornerstone in regional security architecture, an interaction between R2P and local norm of non-interference is expected. Bellamy and Drummond (2011) note that the result of this interaction is the accommodation between local norm of non-interference and the idea of responsible sovereignty. This accommodation leads to the revision of local norms of non-interference and external norm of responsible sovereignty. The UN General Assembly discussion on the implementation of R2P offered an opportunity for Southeast Asian states to express the five main ideas on the characteristic and scope of R2P in an attempt of accommodating with local norm of non-interference. Firstly, ASEAN states consider that R2P should not be understood as the enemy of sovereignty and does not work to weaken the ASEAN's principle of non-interference. Secondly, any single effort to apply R2P to other situations such as natural disasters and AIDS weaken the international agreement on implementing R2P. Thirdly, the implementation of R2P should follow the UN Charter and the international law. Specifically, in regards of the use of force, if needed, should be operationalized under the mandate of UN Security Council, and R2P should not be used to justify unilateral coercive intervention. Moreover, there is a regional agreement that R2P

should be implemented in ASEAN in an equally non-selected manner, not on case-by-case fashion. Lastly, ASEAN member states elaborated on the use of force, emphasizing that ASEAN states prefer to rely on peaceful means to manage crisis through mediation, peace talks, backdoor diplomacy, etc. (Genser and Cotler, 2012). These five points reflects the concerns by ASEAN sates in implementing R2P in ASEAN and shows an accommodation with local principle of non-interference.

Furthermore, based on their studies of seven regional organizations, David Carment and Martin Fischer (2009) propose three challenges that regional organizations need to face in implementing R2P. Firstly, they indicate that ASEAN Way based on non-interference disable the mobilization of political wills and the institutional capacity building. Secondly, they claim that big gaps in state capacities in the regional arrangement can also be a barrier. This is not to mention regional arrangements have to take into consideration other priorities such as food security, water security, economic development, military security, etc. Thirdly, regional organizations are mostly newly-established and are in the initial process of regional building.

1.5 Research Methodology

1.5.1 Choice of Case

This qualitative research uses a single-case-based approach as a methodology by looking at humanitarian assistance following the Cyclone Nargis in Myanmar in 2008. Based on the systematic gatherings and analysis of evidence, case study is a good method to look at the complexities of Cyclone Nargis in ASEAN and can show interesting findings that contribute to the application of an international norm like R2P. Moreover, an in-depth research of post-Nargis cyclone situation is useful if practical data opposes or supports the theory, the case study can help to reformulate theory when its application is limited to regional level with specific characteristics.

This study uses the documentary research method deriving on information from:

(1) Primary sources which are declarations and speeches of UNSG, conference reports, matrix of decisions, agreements, and press release reports, and ASEAN's Documents such as ASEAN Charter, APSC Blueprint, etc.

(2) Secondary sources which are books, articles, from academic journals, newspapers, and websites.

The information from both sources will be used in the study with descriptive and analytical method.

1.5.2 Hypothesis

The study argues that even though Cyclone Nargis is not R2P-type crimes, it positively influences ASEAN's response to cyclone Nargis (especially through the role of Secretary-General). Under the impacts of R2P, ASEAN's experience in managing the Cyclone Nargis provides meaningful lessons on ASEAN's reaction on situations regarding human rights, human security in the future.

1.5.3 Scope of Study

R2P commonly comes in two forms. The first one refers to the concept that was first mentioned in the ICISS's Report in 2001 under the name "Responsibility to Protect". The second form is the principle of R2P that has been globally accepted national leaders in the World Summit by the UNGA in 2005 and endorsed in the paragraph 138 and 139 in the UN's resolution 1673. In this study, the idea of R2P refers to the latter form.

Compared these two terms, there is a distinction between R2P2001 and R2P2005. According to the ICISS's 2001 Report, R2P 2001 addresses state collapse and natural disasters. However, looking into the paragraph 138 and 139 of the 2005 WSOD (UNGA, 2005), R2P 2005 excludes these two kinds of conflicts. Accordingly, the four R2P-related crimes are genocide, war crimes, ethnic cleansing and crimes against humanity. On the one hand, the narrow definition of R2P-like crimes helps to avoid invoking R2P to justify inappropriate interventions. On the other hand, the limitations of R2P 2005 prevent the international community from performing effectively in case a mixed situation of natural and man-made catastrophe like the Cyclone Nargis occurs (Lee, 2012). As a result, in this study, R2P narrowly addresses the four crimes.

Evans (2006) indicates that R2P emerges as a new framework of action of humanitarian intervention. As this study concentrates on R2P rather than humanitarian intervention, it is important to point out the distinction between these two concepts. As clearly shown in ICISS's 2001 Report, the main distinguishing feature is the first pillar of responsibility to prevent. Without effective prevention to respond timely and decisively to the conflict, R2P is equivalent to humanitarian intervention. One the other hand, military intervention can be employed to carry out humanitarian intervention whereas R2P prefers other peaceful means in reacting to four R2P-related crimes (Badescu, 2010). Since R2P is defined more broadly than

humanitarian intervention, R2P is considered as the new framework to manage humanitarian crises in the world.

1.6 Contributions of Research

The research offers an opportunity to study R2P in the context of ASEAN. By finding the connecting link between ASEAN Charter, APSC, and R2P, the study provides solid grounds in changing the traditional mindset of ASEAN states from sovereignty as control to sovereignty as responsibility in ASEAN. By using Acharya's Norm Localization as a theoretical framework, this thesis provides substantial evidence to show the impacts of R2P on ASEAN's management of the Cyclone Nargis. From this point, the study contributes to shed some lights on the influence of R2P norm on ASEAN's reaction to crises involving human security and human rights violations in the future.

1.7 Structure of Research

Chapter I: Introduction

This chapter introduces the basic information of the thesis, including research motivations, research objectives, research questions, research design, research

limitations, and contribution. Literature review on the R2P, the Cyclone Nargis in relations to R2P, and the promotion of R2P in the context of ASEAN is also discussed.

Chapter II: Theoretical Framework

In this chapter, Acharya's theory of Norm Localization is used to develop the theoretical framework. This framework serves to show the connecting links between R2P and ASEAN Charter and APSC. The analysis of the connecting link illustrates the localization of R2P in the region. The framework helps to provide grounds in generating research questions in studying the norm diffusion of R2P in ASEAN.

Chapter III: ASEAN's Role in Managing Cyclone Nargis

This chapter is developed to examine ASEAN's response to Cyclone Nargis and to explore the influence of R2P on regional reaction to Cyclone Nargis. In order to fulfilling this aim, this chapter briefly discusses the situational context of Cyclone Nargis and then presents international debate over the Cyclone Nargis regarding the application of R2P. Substantial evidences are shown in this chapter to prove the role of ASEAN in handling the Cyclone Nargis and the extent to which ASEAN's role has been influenced by the concept of R2P. Several lessons of experience on

management of human rights violations and human security crisis in ASEAN in future
are also drawn.

Chapter IV: Conclusion

The last chapter reflects the findings to four research questions that are
mentioned in chapter 1. In order to make a contribution, the research concludes on
how R2P application through the case study of Cyclone Nargis contribute to improve
ASEAN's reaction to future cases that involves human security and human rights
violation in ASEAN.

CHAPTER II: THEORETICAL & CONCEPTUAL FRAMEWORK

2. 1 Theoretical Framework

This chapter focuses on the theoretical framework using the theory of Norm Localization as a framework for analysis. Based on Amitav Acharya's article "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism" published in 2004 and his book "Whose Ideas Matter? Agency and Power in Asian Regionalism" published in 2009, the theory of Norm Localization is useful to identify key factors in the transfer of R2P into the regional structures of ASEAN. This chapter has two main parts. In the first part, two perspectives on norm diffusion are presented whereas a theoretical framework of norm localization will be analyzed in the second part. The analysis is consistently done with the reference to the development of R2P in local structure of ASEAN.

2.1.1 Norm Localization

This research adopts the theory of norm localization as a theoretical framework. However, before understanding the framework of norm localization, two

perspectives on norm diffusion which paves the way to the development of norm localization will be firstly studied.

2.1.1.1 Two Perspectives on Norm Diffusion

2.1.1.1.1 Moral Cosmopolitan

The pioneering theory in the study of norm diffusion is Moral Cosmopolitanism. The theory proposes that good Western dominating norms tend to displace the deficient non-Western local beliefs and practices. Hence, the good, universal norms are much more widespread than localized norms (Finnermore and Sikkink, 1999). Constructivists offer three key aspects of moral cosmopolitanism. First, the norm which is promoted is universal. Secondly, transnational actors who can be either individual or social movement play the role of spreading this norm. Thirdly, Moral Cosmopolitanism recognizes the conversion of norm instead of norm contestation; thus, it is not considered to be legitimate to resist to universal Western norm (Risse, et al., 1999). However, this theory bears some shortcomings itself. As the key agent in the norm diffusion is transnational actors, the norm diffusion appears to overlook the role of local actors (Finnermore, 1993). Moreover, since universal norms are considered to be good, regional or sub-regional, national or sub-national response to the external norms is undermined or ignored.

Norm diffusion in the international relations certainly is under the influence of different factors and conditions, especially local elements. This is why the second wave in studying the acceptance of external norms in a locale was developed to complement the first wave of Moral Cosmopolitanism.

2.1.1.1.2 Domestic Fit

Domestic Fit theory emphasizes the significant functions of internal structures and institutions in facilitating the diffusion of foreign norms (Cortell and Davis, 2000). At this point, Checkel (1998) points out that the "cultural match" occurs when the international norms fit with local norms in the legislative and bureaucratic system. In some unfortunate cases, local history such as previous agreement or action shaping domestic identity can pose barriers to local actors to accept foreign norms (Checkle, 1998). In other word, the congruence between foreign and domestic norms takes places only when foreign norms fit with local institutional and historical contexts (Checkle, 1998).

There are two instruments that local actors use to make foreign norms fit in domestic context. Firstly, through framing, the proponents of foreign norms raise the relevant issues to interpret, and dramatize foreign norms in order to make it local

(Finnermore & Sikkink,, 1999). In addition, when there is a linkage between the foreign norm and existing norms, grafting is necessary to produce similar outcomes. Nevertheless, both framing and grafting only serve to reinterpret and represent rather than reconstruct or alter the content of international norms. The outcome of norm diffusion is that foreign norms stay unchanged. Local actors tend not to perform to construct international norms in according to their beliefs and needs. This gives the reasons for norm localization to be developed.

2.1.1.2 Norm Localization

Unlike common understandings based on the assumption of Moral Cosmopolitanism that good norm transformation occurs as long as good transnational norms displace bad local norms, Norm Localization also goes beyond the reinterpretation and re-representation of external norms in Domestic Fit to make it more congruent with existing local norms and practices. Generally, Amitav Acharya (2004) establishes the theoretical framework of Norm Localization to highlight the role of local norms in determining the acceptance of new external norms. Focusing on regional adaptation of transnational norm, he argues that local beliefs and practices make a big impact on the reconstruction of external norms in the local context. Secondly, Acharya indicates the conditions for the demands of new norms

to be localized. Additionally, Acharya also explains the role of local actors in making external norms fit in local beliefs, ideas and practices. Last but not least, Acharya shows the changes in local institutions that localized norms can make following a successful localization process.

2.1.1.2.1 Definition of Norm Localization

In regards of historical relevance of norm localization in Southeast Asia, Acharya (2001, p. 5) states that new norms that enter into Southeast Asian region are not entering "a local normative vacuum" so that external norms will be totally absorbed to replace pre-existing norms in the locale. This region has a long history of interaction with foreign norms, especially Indian and Chinese cultures in ancient times. Also, the term "localization" that Acharya used has its origin in Southeast Asian history. In receiving Chinese and Indian cultures, it is proved that Southeast Asian societies did not receive foreign cultures passively but borrowed them actively by localizing them in accordance with local identity (Coedes, 1968, Wolters, 1986). The localization of Indian and Chinese cultures results in two changes in local structure. The first change can be found in the geographical expansion of ruling area. Secondly, a new mechanism or institution will be created to make such expansion legitimate and operational.

The theory of norm localization is subsequently developed by Amitav Acharya (2004) and proves to be useful to study the norm diffusion in international relations. According to Acharya (2004), in the process of norm localization, the norm diffusion involves in the competition between international norms and pre-existing beliefs and practices so as to make foreign norms more congruent with domestic norms. Furthermore, Acharya (2004) insists that the initiatives of local norm entrepreneurs play a crucial role in incorporating external norms into local norms. This is to say that the regional response to foreign norms depends on local beliefs, practices, and structures and how foreign norms can match with local culture. To elaborate this point, Acharya (2004, p. 239) describes that "the better the cultural match of the new norm, the more likely the norm is to become localized". In short, localization is a process which witnesses the matching of foreign norm with existing norms.

Acharya (2004) continues to display the four steps of localization process. In the first stage, local actors might fear of negative impacts of new norms on local authority, and might resist to foreign norms. The starting point of pre-localization occurs when local actors recognize the potential benefits that new norms can have on existing local norms and are willing to adopt new norms. However, despite the

embrace of new norms, existing local norms are still strong and influential (Acharya, 2004, p. 251). In the second phase, a framework will be developed by local actors in order to integrate foreign norms. After that, there might be a transformation of foreign norms to adapt with local norms and practices. The transformation leads to changes in foreign norms. Eventually, the outcome in the last phase is the creation of a new practice or system based on normative framework in second stage and its socialization.

2.1.1.2.2 Motivations for Norm Localization

In studying norm localization, it is important to understand some reasons for the development of new norms. The first reason can be major security and economic crisis (Ikenberry, 1988). The demand for developing new norms is also triggered by shift in power distribution or the interest and interaction among superpowers (Klotz, 1995). Another motivation is transformation in local politics if norm-takers believe that these new norms strengthen their legitimacy and authority (Cortell and Davis, 2000). This point refers to the occurring changes in people-oriented community of ASEAN which seeks to promote good governance and human rights in its agenda of ASEAN Charter and APSC. This point provides motivations to explore the research question concerning the connecting links

between ASEAN Charter and APSC. Additionally, the answer to this research question helps to emphasize the solid grounds on which R2P as a new norm can be localized in ASEAN. This will be further analyzed in the following part in this chapter.

Once new norms are in place, there are two tendencies. If the local norms are not strong enough to compete with foreign norms, it will easily be displaced. However, if local norms are believed to be useful, sufficient, and supportive for the norm-takers' authority, local norms will be expanded and strengthened. Then, localization of external norms tends to outweigh displacement of local norms in this case. This comes to prove the significance of existing norms in the success of norm localization, which will be elaborated in the next part.

2.1.1.2.3 Influential Factors of Norm Localization

Concerning the degree of success of norm localization, Acharya (2009) clearly shows that the extent to which the diffusion process enables the localization decides the success of norm localization. Specifically, Acharya (2009) points out the contributing factors in norm localization, including the level to which new norms enhance local authority, the strength of local norms, and the quality and capability

of norm entrepreneur to promote new norms. Firstly, in regards of the impacts of new norms on local authority, states tend to have initial doubt of the effectiveness and negative impacts on the legitimacy and authority of local institutions. If new norms contribute to strengthen local institutions, states can easily accept to adopt it. In short, external norms are not passively accepted by local actors, they are carefully assessed if they are suitable for local authority and development.

Furthermore, the strength of local norms also contributes to the success of localization. Prior local norms, which are also known as "cognitive priors" (Acharya, 2009, p. 23), are defined as a set of cultural beliefs, practices, structure and system which becomes the identity of a group. In some cases, "cognitive priors" (Acharya, 2009, p. 23) can be the beliefs of group leaders or ideas that are developed through diplomatic interactions and adopted in constitutional document of a group (Goldstein & Keohane, 1993). This point raises the importance of ASEAN Way as the guiding principles in ASEAN's affairs in the norm localization process of foreign norms. Specifically, the ASEAN Way which is based on of non-interference in other countries' affairs influences the application of R2P in ASEAN in responding to cyclone Nargis. This will be further clarified through the role of ASEAN in bridging Myanmar government and the international community in the next chapter.

Another facilitating condition of norm localization is the power of local actors known as norm entrepreneurs. In his book, Acharya (2009, p. 15) notes the role of norm entrepreneur in mobilizing internal and external support for the acceptance of new norm. Acharya (2009, p. 13) also points out some mechanisms that norm entrepreneur can use to fulfill these tasks. In order to make external norms fit with local ones, local actors rely on "framing" so that they can raise the target issues with the languages that can help to interpret or dramatize the issue (Finnemore and Sikkink, 1999, p. 268). Using the tactic of "grafting" (Finnemore and Sikkink, 1999, p. 268), local actors can associate new norm with the existing one to raise a similar issue. In both case, "framing" and "grafting" (Finnemore and Sikkink, 1999, p. 268) aims at making a transformation in the reception of new norm without abandoning existing norms. The outcomes of this process can be the presence of powerful insider proponents, a transformation of scope of new norms, or an overhaul of existing norms that restrict the development of new norms (Acharya, 2009).

Additionally, norm entrepreneurs can be individuals, non-governmental organizations (NGOs) who have commitment to produce congruence between local and external norms (Acharya, 2004). The quality of these actors also matters. Local actors should be much more credible and influential than any other external norm takers in their effort of localizing external norms. Also, they are expected to be open-

minded enough to be willing to enhance existing institutions if the process of norm localization requires. Last but not least, it is local actors who play a leading role in modifying external norms and developing indigenous new norms that match local political, social, economic, and cultural structures to meet the critical challenges.

2.1.1.2.4 Expected Changes in Norm Localization

Though the original local system is basically unchanged after the localization of external norms, Acharya (2004) indicates some institutional changes which can be seen as the outcomes the norm localization. The first change can be found in the increased task scope (Aggarwal, 1998) and member expansion of the regional institution (Schimmelfennig, Frank, 2001). The second change can be found in institutional instruments to achieve its goals such as adoption of new policies (Haas, 1990), development of new procedures (Finnermore & Sikkink, 1999), or establishment of new institutions (Aggarwal, 1998). These institutional changes result from the acceptance, adaptation and modification of new norm into local context. Only through these institutional changes can the outcomes of the process of norm localization be illustrated. This shows that in the long term, as soon as new norms are less resisted by local actors, norm localization finally leads to the changes in the existing local norms without replacing them. In this study, such institutional change

can be interpreted as the impacts of R2P as a foreign norm on ASEAN's capacity to address human rights violations in the future. Again, the theoretical framework provides the ground for the development of the last research question on the implications that ASEAN's response to cyclone Nargis have on its capacity to ensure human security in the region in future. This point will be elaborated at the end of the next chapter.

To conclude, in this research, Norm Localization is adopted as the theoretical framework. Based on Acharya's work, this theoretical framework proposes that the norm diffusion in local context is in a congruence-building process, or in Acharya's word, norm localization. In this process, local norms, beliefs, and practices are important in determining the acceptance, adaptation and reconstruction of external norms. As it is initially not easy to find the grounds for the external and local norms to co-exist, foreign norms are expected to experience a contestation with local norms. In this process, local beliefs and practices which hold a strong legitimacy tend to affect the reception and application of new norms in local context. Secondly, theoretical framework of norm localization shifts the notion of "outside proponents" to "insider proponents". The role of norm entrepreneur is important because he is the leader in the congruence of external norms to match with local structure. Furthermore, the outcome of norm localization depends on the initiative of local

actors to modify the external norms and facilitate the congruence between foreign and domestic norms. Finally, once the foreign norms fit with local conditions, they are spread quickly and easily. At this point, localized new norms come to shape regional institutions. In the end, regional institutions tend to experience some changes in terms of increasing task scope, member expansion, new policy, new procedures, and new institutions in place.

It should be noted that the analysis of the theoretical framework of Norm Localization provide solid grounds to develop research questions. Specifically, the theoretical point on the motivation for the development of new norms is relevant to the question concerning the connecting link between R2P as a foreign norm and the people-oriented community in ASEAN. In addition, the point on factors of success in norm localization allows an analysis of norm entrepreneurs and local norms in the application of R2P in ASEAN, which will be elaborated in the chapter three. Last but not least, the point on institutional changes which serve as the long-term outcomes of norm localization inspires the examination of the ASEAN's capacity in managing human rights violations to protect ASEAN's people. This will be analyzed at the end of the chapter three.

2.2 Conditions for R2P's Norm Localization in ASEAN

2.2.1 ASEAN Charter

This part attempts to look into some provisions of the ASEAN Charter and the context it provides for the promotion of R2P in ASEAN. The main argument is that even though the evolution of human right promotion in ASEAN is in an immature state, some provisions in the ASEAN Charter enable the transformation of ASEAN into a people-centered community which is resilient enough to manage challenges to protect human security and human rights of its population. This is a favorable condition for the development of responsible sovereignty in ASEAN.

Established in 1967, ASEAN is originally a political and economic organization. Among the seven objectives claimed in the Bangkok Declaration, the first two major are the acceleration of socio-economic development and the maintenance of regional security and stability. Accordingly, it should be noted that ASEAN in the beginning was never intended to be a human right organization. The term "human right" was not mentioned in the Bangkok Declaration and ASEAN appears not to have legal documents on human rights until the terms was first adopted in the ASEAN Charter (Petcharamesree, 2013).

ASEAN's new community process of reform took place in 1990s when the Cold War was at end. In 1967, ASEAN was established at a critical security situation when Indochinese states became communist in the middle of 1975, it raised the fear of domino effect of Communism all over Southeast Asian countries. Additionally, the withdrawal of American military bases in the Philippines and other Southeast Asian countries means a vacuum of power in this region. However, there was a tremendous shift in the regional security atmosphere after that. Following the cessation of the Cold War, security threats from inter-state armed conflicts, territorial disputes, and government legitimacy problems were lessened. ASEAN member states entered a new phase with new goals of economic development.

The remarkable event was in Vienne in 1993 when ASEAN member states, along with representatives from 171 countries, participated in the World Conference on Human Rights. The achievement of this event was the Vienna Declaration and Programme of Action (Vienna Declaration and Programme of action (1993) which formulated a framework for human rights protection after the Cold War. Importantly, this document emphasizes the responsibility of regional organizations in protecting and promoting human rights and developing a human right agency. The conference had a tremendous influence on ASEAN's agenda and policy. Subsequently, in 26th ASEAN Ministerial Meeting, ASEAN issued a joint Communiqué which expressed the

ASEAN's approval of the consensus and commitment that international community made in the World Conference on Human Rights and shows ASEAN's determination to develop a human rights mechanism (Frequently Asked Questions on ASEAN and Human Rights' 2010).

Nevertheless, it takes ASEAN 15 years since 1993 when the initiative of human rights came up in ASEAN document as illustrated in ASEAN Charter. Therefore, ASEAN Charter, which was signed in 2007, ratified by ASEAN before the end of 2008, and came into force in December 2008 was considered as a turning point in transforming ASEAN into "a rule-based organization" and strengthening ASEAN's political will in developing human rights in the region (Petcharamesree, 2013, p. 50).

The term "human rights" are referred six times in ASEAN Charter. Out of 14 principles in Article 2, five R2P-relevant provisions can be found in the principle 2(b), 2(d), 2(e), 2(g), and 2(i). The frequent adoption of statement on human rights in ASEAN Charter makes human rights integral in this works of ASEAN. Scholarship on ASEAN Studies also recognizes that promotion of human rights in ASEAN Charter as a guiding principle in ASEAN Charter is considered as a normative progress of ASEAN.

Besides the regulated principles of interstate behavior such as non-interference into internal affairs, no use or threat to use of force, peaceful settlement of disputes, and consensus in decision-making, the ASEAN Charter the ASEAN Charter claims the second set of norm regulating the relations between the States and its people. These are good governance, rule of law, human right and fundamental freedom, constitutive governance, democracy, social justice, and equal to access to opportunities (Drummond, 2010). This results in several implications for building ASEAN Community, particularly in terms of responsible sovereignty and people-centered approach which are mentioned in the previous chapter.

To elaborate more on the point of responsible sovereignty, for a long time, ASEAN has been accepting non-interference as the core regulation in inter-state relations which lay the foundation for ASEAN regionalism. This regulation means that each ASEAN member state is not able to criticize other member states in its behavior towards its people (Acharya, 2009). Hence, the introduction of the second set of norm which concerns ASEAN states' responsibilities towards its people in terms of human rights protection beside its responsibility towards other states in the international community (understood as "responsible sovereignty" in chapter 1) provides space for R2P to develop its potential.

Furthermore, ASEAN aims at becoming a people-centered community in which governments should be created to serve by its people, serve for the interests and demand of its people. Morada (2008) adds that a people-centered community also means that any member states who fail to protect its population, its sovereignty will not be protected by ASEAN. This is consistent with the idea of R2P in case states are unable to provide protection for its affected people from R2P-type crimes, its sovereignty will be suspended and the international society will be responsible for engaging to provide protection for victims. Undoubtedly, the localization of R2P help ASEAN achieve its purpose of building a people-centered ASEAN.

2.2.2 ASEAN Political Security Community APSC

In order to developing regional building, the Declaration of ASEAN Concord II was adopted in 2003 to develop three pillars to serve ASEAN Vision 2020. To facilitate the regional architecture construction, ASEAN Charter was signed in 13th ASEAN Summit in Singapore, and APSC Blueprint was adopted in the 14th ASEAN Summit. Developed from the ASEAN Security Community Action Plan and the Vientiane Action Programme (VAP), APSC Blueprint provides roadmap and guidelines for the activities needed to achieve the objectives of APSC by 2015. In reference to

the study of R2P in ASEAN, it is necessary to mention three characteristics and elements of APSC:

A look at the three characteristics of APSC clearly reflects the evolving concept of sovereignty in ASEAN. This is shown in ASEAN's effort to be able to adopt "comprehensive security", to respond effectively both traditional and non-traditional issue regarding human security and human rights violation (APSC Blueprint, 2009, p. 12). To meet these challenges, ASEAN attempts to strengthen several principles including human rights promotion, especially in the aftermath of conflict, humanitarian disaster, or emerging crisis situations effecting ASEAN. These principles remain as the core in the APSC Blueprint and contribute to reinforcing emerging concept of responsible sovereignty in ASEAN which provides a space for R2P to co-exist.

One of the opportunities for R2P development that is incorporated in the point A.1.5 in APSC Blueprint can be found in the institutionalization of human right agency in ASEAN Charter. ASEAN Inter-governmental Commission of Human Rights AICHR in ASEAN is indicative of ASEAN's acceptance of responsible sovereignty and people-oriented approach in governance, which is again the core idea of R2P. The benefit of AICHR is two-fold. Firstly, it helps to raise the public anticipation of ASEAN people that their rights will be promoted and protected by ASEAN. Secondly, it put

the pressure on ASEAN member states to increase its responsible sovereignty to deal with human right issues through different platforms and different measures. The linkage between R2P and local norm of emerging human right promotion and protection in ASEAN is therefore identified. ASEAN Human Right Body is expected to offer an opportunity to implement R2P, in regards of prevention, capacity-building, and adaptation measures (Drummond, 2010).

The establishment of ASEAN Human Right Body is also enshrined in the Article 14 of ASEAN Charter. After 40 years, this is the first time ASEAN discussion on human right is done on regional level (Phan, 2009). Since its establishment, human rights discussion has been considered as contentious and sensitive issue for regional cooperation. Therefore, the establishment of human right body in ASEAN is considered as a significant step. With the establishment of human right body, ASEAN shows that regional development should be assessed by the good governance, effective human right protection that ASEAN can offer for its population, rather than economic growth indicators only. In this way, ASEAN is transforming itself from a state-centric organization into a people-oriented organization which is certainly willing to act to provide timely protection for its people from the four R2P-type crimes. ASEAN Human Right Body is also a manifestation that human right is not only a national issue but a regional issue and needs regional efforts and responsibility to resolve (Phan, 2009). Though imperfect, the establishment of ASEAN Human Right

Body is a significant milestone not only for ASEAN to become a more people-oriented organization but also for R2P to get off the ground in ASEAN (Drummond, 2010).

Notably, even though ASEAN does not abandon the traditional concept of state sovereignty, ASEAN shows its supports of the new concept of sovereignty as responsibility through its stand on human right protection-oriented policy. ASEAN tries to find solutions to deal with a wide range of threats to both states and its population, especially in crisis, disaster, or other urgent situations, which was absent from policy agenda of ASEAN in its formative years when human right protection was excluded from foreign policies of ASEAN member states (Petcharamesree, 2013). In short, the normative shift from traditional sovereignty to responsible sovereignty in the APSC Blueprint provides a foundation for R2P to be widely discussed and probably accepted in ASEAN (Drummond, 2009).

In conclusion, human right promotion and protection has been given due recognition in both ASEAN Charter and APSC Blueprint (Petcharamesree, 2013). The evolution of the concept of sovereignty as responsibility has been supported by ASEAN leaders through the principled document of ASEAN Charter and APSC Blueprint. This goes a long way in facilitating the engagement of ASEAN with R2P.

CHAPTER III: ASEAN'S RESPONSE TO POST-NARGIS SITUATION

3.1 Natural and Man-made Disasters in Myanmar

3.1.1 Cyclone Nargis – a Destructive Natural Disaster in Myanmar

The Cylone Nargis is considered one of "mega disasters" in Southeast Asian region (Carresi, A. et al., 2014, p. 250). The cyclone caused devastating damages to the local people and local development. Moreover, cyclone Nargis was beyond the scope of a natural catastrophe and became a man-made disaster in which the Myanmar government deliberately neglected the suffering of its own people. The big number of life loss, together with the irresponsible behavior by Naypidaw raised international concerns and called for appropriate reaction from the international community.

On 2 May 2008, the South of Myanmar was struck by a storm with the speedy wind of 200 kilometers per hour and a tidal surge of 3.5 meter. The cyclone affected badly the Ayeyarwady Delta, Mon delta, Karen state, Bago division, and Yangon.
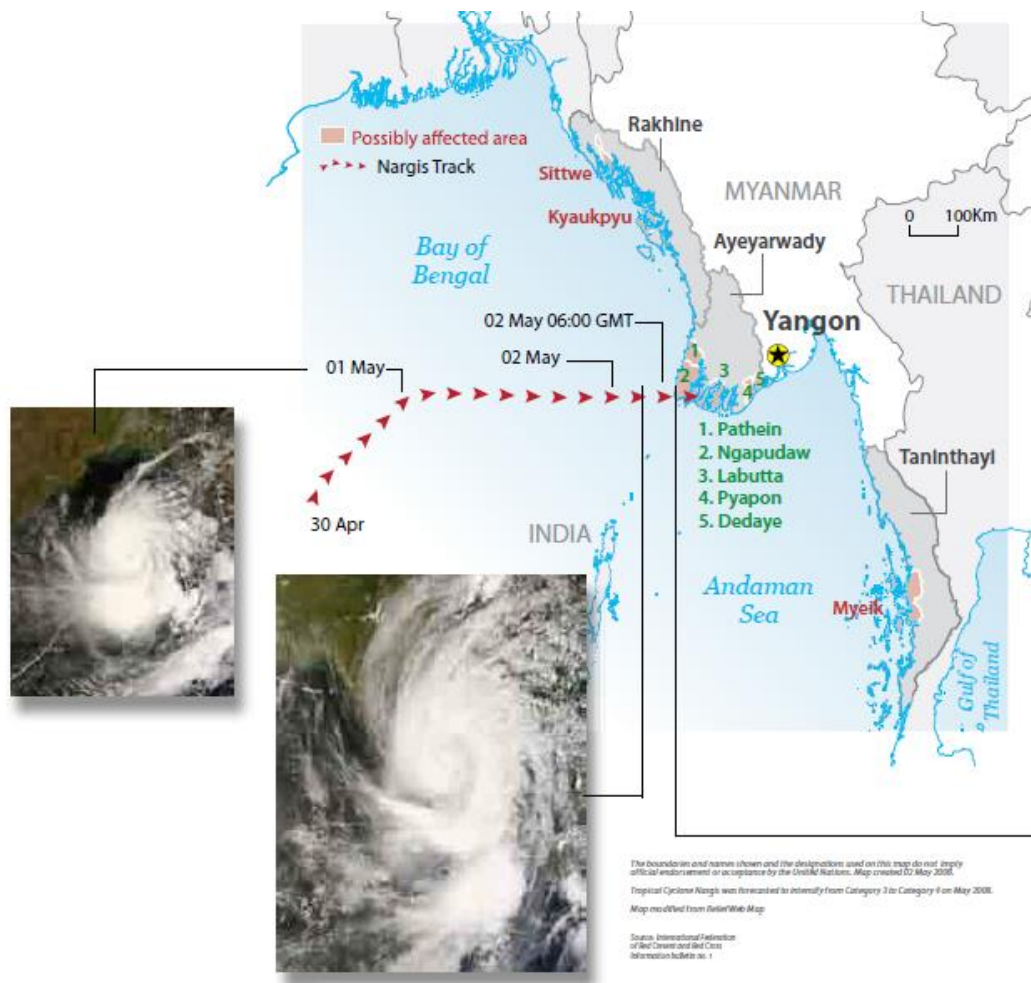
Figure 1: The cyclone Nargis intensified from Category 3 to Category 4 in May 2008

Source: International Red Cross Federation and Red Cross Information Bulletin No.1

division (Kun and Qingrun, 2010). As Irrawaddy Delta is the best and largest rice-producing paddy field, the cyclone washed away all reaped harvest, and put people in food insecurity (PONJA, 2008). The cyclone badly damaged basic infrastructure and contaminated water source. There were 84,537 killed, 19,359 injured and 53,836 people missing. The death toll is up to 140,000. As the cyclone swept away villages,

800,000 were displaced. The life of 2.4 million people was severely affected. 75 per cent of clinics were flattened, power lines and communication system was damaged, and the total cost for material damages was up to US$4.13 billion (PONJA, 2008). Its severity can be illustrated by the following images.

Figure 2: Cyclone Nargis damaged thousands of homes and basic infrastructure.

Source: Reuters

Figure 4: Dead bodies clinging to trees and

Source: AP

Figure 5: Cyclone-affected victims waiting for food on a road near Pyapon

Source: News on New York Times on May 26 2008

Figure 6: Thousands of people needed to stay in Refugee Camp while relief aid was

delayed

Photo courtesy: Chumsak Kanoknan/Getty Images

Source: News on New York Times on May 9 2008

For a developing country like Myanmar, the cyclone was an absolute catastrophe which is beyond the management of the government. Foreign assistance in terms of food, material, money, and experts will be of crucial needs for the long-term recovery. In the context of Myanmar government, the military is the only agent that is capable of dealing with the enormous consequences of this natural disaster. Nevertheless, the military took its responsibility in assisting the recovery efforts in an unexpectedly destructive manner. Despite its declaration of "national emergency" in the five affected areas and the establishment of Natural Disaster Preparedness Central Committee, "lack of communication, petty corruption, and sheer incompetence" undermined the government's relief effort (International Crisis Group, 2008, p. 3). As a result, the first relief aids did not reach local people after several days. The very few relief camps established in the affected area could not meet the need of hundreds of victims. While hundreds of affected people were facing death from widespread famine and diseases[12], the military government made a declaration that the emergency situation following cyclone Nargis was "returning to normal" and "relief efforts had ended" (Selth, 2008b, p. 388). Additionally, in spite active assistance from the Sangha, internal civil society, their relief efforts in reaching affected areas and giving aid to monasteries were prohibited by the military regime.

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[12] It is pointed out that the lack of physical protection and basic needs would lead to the outbreak of diseases such as malaria, fever, cholera, diarrheal, and measle, etc. in the delta area. See Myanmar Tropical Cyclone Nargis Flash Appeal. (2008). UN's Office for the Coordinated Humanitarian Affairs. Available at https://docs.unocha.org/sites/dms/CAP/Flash_2008_Myanmar.pdf

Also, any national agents got involved in the relief distribution in the affected delta would be fined $3000 or imprisoned for five years (Robert, 2009). Whereas the victims were waiting for emergency relief, it was reported that officials in local government confiscated relief aids by replacing them with spoiled food and bad items (International Crisis Group, 2008). Obviously, the military government was neither willing nor capable enough of managing this large-scaled natural disaster.

3.1.2 Man-made Disaster in Cyclone Nargis

Cyclone Nargis initially is just a natural disaster; however, it ended it up being a man-made disaster when national authority intentionally neglected the consequences of the storm, refused international assistance and allowed a great deal of suffering of local people (Asia-Pacific Centre for the Responsibility to Protect, 2008). Facing severe cyclone in Myanmar, the UN agencies and Western countries provided international assistance without any hesitation. Two days after the cyclone Nargis, experts were sent to the UN Disaster Assessment and Coordination (UNDAC) team from Singapore and the Philippines to Bangkok. Subsequently, relief aid delivered by Thai air force and two Indian ships arrived in Myanmar. Naval vessels from USA, France, and the UK loaded with hundreds of tonnes of foods and other relief items were also ready off the coast of Myanmar (Haacke, 2009).

What the military government did was ignoring all international assistance and insisted on self-reliance on its ineffective National Natural Disaster Preparedness Central Committee. Specifically, the military government restricted the delivery and distribution of emergency relief by limiting the access of humanitarian workers (Haacke, 2009). In order to prevent the provisions of relief aids on the ground in the affected areas, the junta seized and disabled the landing of all the transportations used in the delivery of relief aids, including ships and airplanes (Barber, 2009). The Burmese government only permitted the relief assistance which did not carry any personnel with it into the territory of Myanmar (Collins, 2013). As the military government was aware of its incapacity to provide enough relief aid, it wanted to take advantage of external relief aid and distributed the relief aids by itself or internal agencies under the control of the military government (Collins, 2013). Notably, the biggest challenge from Myanmar government was that the foreign relief workers had to wait for a long time because their working visas were all rejected. This intentional ignorance of affected people by Cyclone Nargis by the Myanmar government turns a natural disaster into a man-made catastrophe (Brown, 2008).

Before analyzing the relevance of R2P in this man-made disaster, it is worth understanding about the military regime who acted irresponsibly towards was the victims of Cyclone Nargis. Before 1988, internal insurgencies were a threat to national security. One of the significant examples is that in 1988, Myanmar's armed force led

a crack-down to take back the political power from the military government. However, after the 1988 uprising, the regime was unchanged and military government was still in power. The presence of American ships off the coast of the country appeared to be a threat to national peace. The junta had a fear that a US-led invasion tried to overthrow the junta and change the dictator regime into a democratic regime. This fear was strengthened when the U.S. and European Union used a wide range of coercive measures to weaken the military government after the military government refused to transfer power in 1990. As a result, after 1988, the fear of interference and invasion made the junta suspicious of external interventions in any form. When it comes to humanitarian intervention in the aftermath of Cyclone Nargis, Yangon feared that external parties would take advantage of the free distribution of relief aid to provoke social chaos against the military government and encourage the propaganda for democracy. They also feared that free entry for foreigners can enable the weapon smuggling and personnel equipment for an insurgency by civilians. This partly explains why the junta only allowed the relief aid without personnel and media staff with it.

The most critical concern of Myanmar's government is the U.S.-led foreign invasion of Myanmar for natural resources under the name of humanitarian relief effort. In the eye of the U.S., the military regime in Myanmar was described as "an outpost of tyranny" by the US Secretary of State Condoleezza Rice (Steinberg, 2012,

p. 2). The US's invasion of Iraq in 2003 and the overthrowing of Saddam Hussein's dictator government by the U.S.-led coalition make the military government in Myanmar wary of the bad intention behind any intervention by the U.S. government (McLachlan & Langmore, 2011). This is not to mention that the US's annual military exercises with Thailand are of a great concern to the security of Myanmar government (Rieffel & Steinberg, 2008). The junta therefore has a reason to believe that opening the country in the aftermath of Cyclone Nargis for humanitarian assistance will offer an opportunity for the external intervention to weaken the control of the military regime.

Another reason is for the refusal of international assistance by the military government is that the Cyclone Nargis occurred when the military was about to organize a new constitutional referendum to implement "discipline democracy" (Robert, 2010, p. 189). As the military government can increase legitimacy from a new constitutional referendum than helping the victims of cyclone Nargis (Wong, 2009), the government neglected the dead loss and human suffering in affected areas and prioritized its resources on holding the constitutional referendum (Seth, 2008b). On 5 May 2008, the government claimed that the constitutional referendum would be

organized as scheduled on 10 May 2008 even though the vote in affected areas might be delayed by 2 days[13].

Last but not least, Myanmar has been an isolated country and does not have experiences with international assistance at the time when cyclone Nargis attacked the country. In the past few years, Myanmar has been one of the countries receiving the lowest Overseas Development Assistance (ODA). Compared to two other poor countries in ASEAN, Laos PDR and Cambodia, who received US$47 and US$56 per person in 2007, Myanmar only received US$4 per capita (OECD, 2007[14]). Little receipt of ODA shows that this impoverished country is not familiar with humanitarian assistance.

In conclusion, cyclone Nargis was just a natural disaster with severe consequences. The mismanagement of the military government transformed it into a man-made catastrophe. The junta deliberately neglected the human suffering of the vulnerable population, refused all international humanitarian assistance, and went on organizing the constitutional referendum to serve political interests of the

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[13] The military government planned to hold the constitutional referendum on May 10th 2008 in unaffected areas by cyclone Nargis, and on May 24th in the affected delta. See *Union of Myanmar Commission for Holding the Referendum Announcement No. 12/2008 7th Waning of Kason 1370 ME*. Available at http://mofa.gov.mm/news/Announcements/26may08.html

[14] See ODA figures at the official website of OECD http://www.oecd.org/countries/myanmar/recipientcharts.htm

military government. The behavior of the junta can be explained as follow. First, the junta was concerned that opening the border to humanitarian assistance would lead to social riots against the military government and damage the expected results of the constitutional referendum. Also, the military government was reluctant to facilitate the delivery of emergency reliefs due to the fear of U.S.–led invasion. Lastly, Myanmar did not have much experience in dealing with foreign assistance. These reasons justifies why the military government was not willing to facilitate the relief effort to the affected victims. The restriction of international assistance raised the international debate if this irresponsible behavior could be seen as a crime against humanity.

3.2 International Response to Cyclone Nargis

3.2.1 International Debate over the Application of R2P in post-Nargis Situation

Only four days after the Cyclone Nargis came to Myanmar, France was among the first Western countries to call for international assistance for the victims in Myanmar. Bernard Kouchner suggested the invocation of R2P to send humanitarian relief without the permission from the junta (Bellamy & Beeson, 2010). The EU expressed their determination to exploit all vehicles to make aid delivery possible. On 13 May, European Ministers were consent on making an effort to get free access

to deliver humanitarian assistance (Phillips, 2008). In his speech to the UNGA, France's Ambassador to the UN Jean-Maurice Ripert expressed his supports of humanitarian action in the situation in Myanmar (Ripert, 2008). Being concerned with lack of progress in international assistance, France called for the bigger role of the UN in the entry of humanitarian workers, delivery of emergency reliefs, and the negotiation with the military government (Haacke, 2009). France urged the UNSC to issue a resolution calling for the willingness from Myanmar government to facilitate the humanitarian assistance (Asia-Pacific Centre for the Responsibility to Protect, 2008[15]). Besides France, some countries also raised their supportive voice for the invocation of R2P to help the victims in Myanmar. Kevin Rudd, the then Australian Prime Minister insisted that the international society should play a key role in facilitating the delivery of humanitarian assistance to affected people without delay (Rudd, 2008).

The proposal of French Foreign Minister was met with agreement from Western policy-makers, and analysis in Europe and North American. They considered that the situation in which the government was reluctant to assist its affected people and refused all kinds of international assistance is not a natural disaster itself but a "criminal inaction" by the military government (Barber, 2008). Besides damaging

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[15] See Asia-Pacific Centre for the Responsibility to Protect (2008). Cyclone Nargis and the Responsibility to Protect. Myanmar/Burma Briefing No.2.

consequences by Cyclone Nargis, the ignorance of mass suffering of the affected population, the intentional refusal of emergency relief, and the prevention of humanitarian workers from their access to affected areas led in to a humanitarian crisis (Callabero and Chng, 2009). According to the Rome Statute[16], this intentional act which causes mass suffering is equivalent to a crime against humanity (Asia-Pacific Centre for the Responsibility to Protect, 2008). Given this, R2P should be invoked to respond to inhumane treatment of the military government toward its vulnerable population (Haacke, 2009).

In short, advocates of the application of R2P claimed that the Cyclone Nargis was initially a natural disaster and then transformed into a humanitarian crisis. Due to the "malign neglect" (Haacke, 2009, p. 162) of the military government towards its affected people, and their reluctance to help the victims in urgent time during the first two weeks, it is proposed that R2P should be invoked to rescue the victims.

At the same time, Kouchner's proposal was met with objection from some countries. There is a strong argument that even though the original idea of R2P in ICISS's report in 2001 addresses humanitarian crisis in natural disaster, it falls out of scope of R2P which was adopted in the WSOD in 2005. China's deputy permanent representative to the UN, Liu Zhenmin, clearly expressed his resistance to politicizing

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[16] See Rome Statute of the International Criminal Court, Art 7 (1) (k).

the internal situation in Myanmar by using military to forcibly deliver humanitarian

assistance with the excuse of R2P (Honda, 2009). He also claims that the internal

crisis in Myanmar is not relevant to the functions of the UNSC in maintaining

international peace (Asia-Pacific Centre for the Responsibility to Protect, 2008).

According to the Article 7 of the Rome Statute on crimes against humanity, it is

hardly possible to find any demonstration of such attacks conducted by the military

government to its population. In addition to this, a crime against humanity must

involve discrimination and widespread violence which is not found in the case of

Cyclone Nargis (Cabellaro and Chng, 2009). In this condition, the argument for the

invocation of R2P to provide protection for affected victims is not satisfied (Asia-

Pacific Centre for the Responsibility to Protect, 2008). Due to strong rejection by

various states to the interference of the UNSC in Myanmar, the UNSC regards the

interference in Myanmar as unnecessary confrontation (Borger and MacKinnon, 2008)

and prevented the imposed assistance without Myanmar government's consent

(Asia-Pacific Centre for the Responsibility to Protect, 2008).

3.2.2 Coercive Military Intervention via Humanitarian Assistance

In the context of Myanmar's ignorance towards the victims of Cyclone Nargis,

there is undoubtedly international pressure on the invocation of R2P to urge

Myanmar authorities to fulfill its responsibility in assisting the affected people. The international community called on a "direct aid"[17] (Cameron, 2008, para. 6) to provide emergency relief for affected population if the military government continued their criminal ignorance. In this case, direct aid can be imposed on the Myanmar government in the form of military intervention. It also means the last resort in R2P's tools would be used as a pressure on the military government.

The possibility of military intervention under the name of direct aid can obviously be found in the move of multi-lateral organizations and individual super powers. First, the UNSG urged the provision of relief aid from Yangon in the first few days after the Cyclone Nargis came (Ramirez, 2008). In the same effort, the UN's Humanitarian Relief Coordinator insists on positive response from Myanmar government to facilitate the humanitarian assistance, in terms of enabling the visa and arrival of humanitarian workers and the transportation of relief aids (Haacke, 2009).

The international pressure on Myanmar authorities does not only come from the multi-lateral organization but also comes from super powers. The U.S. encouraged other countries like China, Thailand, and Indonesia to make a positive

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[17] Mr. Cameron told BBC Radio: "If the situation hasn't radically improved by Tuesday, then we need to consider the further steps of direct aid being dropped to help people in Burma". Available at http://news.bbc.co.uk/2/hi/uk_news/politics/7396313.stm

impact on Yangon's refusal on foreign assistance. Other than the diplomatic pressure, the U.S. also showed its willingness and potential in contributing to the international humanitarian assistance into Myanmar through its well-prepared personnel, airplanes, and naval assets[18] which are all ready to be deployed in the Gulf of Thailand (Haacke, 2009). U.S. Navy Ship that based near Myanmar and the Disaster Assistance Response Team in Bangkok are ready to get into Myanmar and do the humanitarian mission in affected areas (Haacke, 2009).

Additionally, just 10 days after the Cyclone Nargis, on 12 May, in a helicopter carrying the emergency relief, Henrietta Fore, Administrator of the US Agency for International Development (USAID), Timothy Keating, US Pacific Commander, and Scott Marciel, US Ambassador for ASEAN Affairs, entered Myanmar (Haacke, 2009). In the same move, French ships loading humanitarian relief arrived in Myanmar on May 17 (Haacke, 2009). British Foreign Secretary claimed to use all measures, even military intervention to manage the mass sufferings as a consequence of the "malign

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[18] Although the U.S. Air Force, Naval Vessels and troops base in Japan as usual, they were called on to position in the Andaman Sea (roughly 100 kilometers off the Burmese southwest coast) in order to carry out the annual exercise in Thailand and deliver the relief aid to Burmese victims. The naval crews including the USS *Essex* and three other U.S. Navy ships with thousands of marines (USS Nimitz naval warships) and several helicopters (US C-130 military aircraft and the USS Kitty Hawk) were ready to deliver airlift of medicines, fresh water roughly 100 kilometers from the Burmese coast, for several days. See Luis Ramirez, (2008). US ships in frustrating wait off Burma's coast to deliver aid. *Voice of America*. Available at http://www.voanews.com/content/a-13-2008-05-17-voa1-66750712/562823.html; Crispin, S.W. (2008). The Case for Invading Burma. *Asia Times Online*. Available at http://www.atimes.com/atimes/Southeast_Asia/JE10Ae01.html

neglect" by the military government (Haacke, 2009, p. 162). French and British navy whose operation was on the coastline of Myanmar could send force to conduct the mission at any time (Haacke, 2009). The approach of Western naval force is considered as a security threat to the military government and creates suspicion of the political interests behind humanitarian assistance. Hence, Myanmar government refused to rely on the support of naval and air force from the US even though these equipment can speed up the relief delivery (Haacke, 2009). The pressure peaked when David Cameron, the leader of Conservative Party in the UK claimed that if Yangon kept on with its "malign neglect", a direct aid is possible (Cameron Urged Air Drop for Burma, 2008, para. 6) The British Foreign Secretary insists all measures will be tried even a "strong pre-emptive possibility" (Selth, 2008, p. 393).

3.3 Impacts of R2P on ASEAN's Response to Cyclone Nargis

In spite of negative objections to the application of R2P in cyclone Nargis, R2P norm does influence ASEAN's response to cyclone Nargis.

3.3.1 R2P's Localization in ASEAN

3.3.1.1 From Externally Forcible Intervention to Local Initiative of ASEAN-led Coordinating Mechanism

In the first place, the idea that human security of Myanmar victims should be achieved by multilaterally forcible intervention into Myanmar's territory does not fit well into ASEAN's pre-existing local norm of non–interference into member states' affairs. As elaborated in the last part of chapter 2, the recognition of human right promotion and protection in both ASEAN Charter and APSC Blueprint are positive conditions for the development of responsible responsibility in ASEAN which does not operate to undermine state sovereignty. However, the greater recognition of responsible sovereignty in ASEAN through its guiding documents in ASEAN and APSC Blueprint shows that ASEAN is drawing careful attention to the security of ASEAN's citizens. With greater support from member states on sovereignty as responsibility, ASEAN thus felt the need of providing protection for cyclone- affected victims in Myanmar.

However, the proposal of coercive intervention under the name of R2P poses a challenge to ASEAN's local norm of non-interference into member states' affairs and prevents cooperative effort between Myanmar government, regional organization and the global community. From the perspective of the junta, the presence of naval and air force off their coast, and ready to take action is a threat to its state sovereignty and national security (Robert, 2009). The historical experience with external interference makes it impossible to the military regime not to suspect any

political intent behind the humanitarian assistance from the West. In their way of thinking, opening the borders for a large influx of humanitarian personnel and media staff to enter the country leads to undermining their control of power and destabilizing the national security (Selth, 2008). In regards of potential opportunity of human rights protection and democracy promotion, the junta thereby denied the access of foreign aid. Also, facing the probability of military intervention, the Myanmar military government was concerned with the increasing political pressure to be responsive to the international pressure. The naval and air forces in Myanmar's territorial waters were a serious threat to national stability in general and the organization of a constitutional referendum on 10 May 2008 in particular. As a result, any effort to carry out military intervention contributes to violate the ASEAN's Way based on non-interference, and widen the gap between the West and the military regime.

Furthermore, the main point of contention of ASEAN member states in applying R2P is that it will become a precedent for future action to interfere into national affairs in ASEAN (Bellamy and Beeson, 2010). Moreover, unlike the Western states, ASEAN governments fear that if the UNSC allows the use of force in relief effort, R2P will be manipulated to be a tool of modern colonialism in which strong states can easily interfere in domestic affairs and threaten the sovereignty of weak

states (Cabellaro and Chng, 2009). Hence, the ASEAN member states insist that coercive humanitarian intervention should not be imposed on Myanmar.

Finally, the proposed military intervention under the name of R2P threatened to undermine ASEAN's capacity to respond effectively and timely to emergent situations that affects ASEAN's people. It should be pointed out that unilateral military intervention to deliver humanitarian assistance is not beneficial for cyclone-affected victims. It also creates a bad precedent for military intervention via humanitarian assistance in an effort to fulfill R2P. An armed intervention as suggested by Kouchner is not an effective solution to the humanitarian crisis in Myanmar (Asia-Pacific Centre for Responsibility to Protect, 2008). On one hand, as it normally takes long time to mobilize force for an armed intervention, humanitarian assistance will therefore be late to reach the victims who were indeed in emergency in Myanmar. On the other hand, a delivery of relief aid without the support from the ground by local government is unlikely to be successful. In consideration of the proposed solution of dispatch of emergency relief, it is realized that the consent from the government is of great importance. Among the basic needs of the affected people, only food can be suitable for air drop. The other kinds of aid must be distributed by humanitarian workers. Otherwise it might be lost in water and taken by the authorities. This imposed distribution goes against the wishes of the military government who tends to make an effort to prevent the entry of humanitarian

workers in affected areas. Thus, any attempt to impose coercive intervention in Myanmar proves to be counter-productive. In short, forceful aid delivery without the support from the ground by local government hinders the cooperation between the military government and international agencies on delivering humanitarian assistances, and ultimately undermines ASEAN's effort and capacity to deal with emergency situation in member states. In other words, coercive humanitarian intervention under the principle of R2P does not strengthen ASEAN's legitimacy as a responsible regional organization who can respond effectively and timely to regional critical issues like cyclone Nargis. Hence, ASEAN has a reason to develop its own initiative to fulfill the obligation to protect its people.

With the effort to fulfill R2P in cyclone Nargis, ASEAN tried not to override its guiding principle of non-intervention into member states' affairs by pursuing diplomatic means to developing its own initiatives of ASEAN-led coordinating mechanism. The consideration of the misbehaviors of the military government in delivering humanitarian assistance motivates ASEAN to engage with the junta. Proposed measures of forceful aid delivery not only restricted the cooperation between Myanmar government and international agencies but also delayed aid delivery of which endangered people are in urgent needs (Asia-Pacific Centre for the Responsibility to Protect, 2008). This situation requires the international community to resort to peaceful measures under R2P and involve local agents like ASEAN for its

cooperation in delivering emergency relief. Importantly, the invocation of R2P also provides an opportunity for ASEAN to take the role of being an intermediary between the military government and the international multilateral partners as well as a facilitator of the humanitarian assistance in Myanmar. Therefore, one of the suggestions was to achieve the consent from the Myanmar authorities through regional organization such as ASEAN.

In conclusion, while ASEAN tried not to intervene in Myanmar's affairs, ASEAN could not ignore the suffering of the victims of cyclone Nargis and must be responsible for achieving a collective solution which fits with local norms of non-interference into member states' affairs and helps to protect Myanmar's vulnerable population. At this point, the competition between foreign norm of responsible sovereignty and local norm of non-inference into member states' affairs begins. ASEAN is sympathetic with the contention of Myanmar government. ASEAN understood that the coercive direct intervention through humanitarian assistance was a critical challenge to the junta. ASEAN also had an apprehension that the deployment of Western troops into Myanmar would not serve the crucial needs of relief assistance but will set a "dangerous precedent" to the principle itself (Chia, 2008, p. 2) and would be detrimental to ASEAN's capacity to address urgent crisis.

To reconcile the external pressure of coercive humanitarian intervention on Myanmar government and the respect for ASEAN's local norms of non-interference, ASEAN relied on peaceful approach to meet the urgent needs of assistance supplies from the international community as well as avoid the possible military intervention in an ASEAN member state. Instead of military intervention, ASEAN resorted to diplomatic measure to bridge the international community and the military government in Myanmar which has been skeptical of the external intervention by the international community. On one hand, ASEAN played the role of mediator to raise the mutual understanding between ASEAN and Myanmar, particularly, the meaning of a member state in a group and the role of a group to protect a member state when its population is enduring a physical suffering. On the other hand, ASEAN took the lead in coordinating the provision of international assistance for the Myanmar victims. In this attempt, ASEAN was led by the Secretary-General Surin Pitsuwan as a norm entrepreneur of R2P in ASEAN.

3.4 Role of Secretary-General of ASEAN

Based on theoretical framework in the chapter two on the role of norm entrepreneur in norm localization process, success in localizing R2P in ASEAN through ASEAN's initiatives of ASEAN-led Coordinating Mechanism depends on the role of

insider proponents or local norm entrepreneurs who uphold local norms of non-interference while facilitating the application of R2P. When it comes to the case of cyclone Nargis, it is ASEAN Secretary-General who played the role of local agent in promoting R2P's agenda in ASEAN in his five-year term.

Principally, ASEAN's Secretary-General is in charge with the facilitation and monitoring issues in ASEAN Secretariat, and serves as the ASEAN's representative to report to state leaders (Pitsuwan, 2012). However, the emergency situation in Myanmar requires the role of Secretary-General of ASEAN to evolve to guide ASEAN's collective effort to ensure the human security for Myanmar's victims.

The clear factor explaining the role of norm entrepreneur of ASEAN's Secretary-General Surin Pitsuwan is his personal background. He was known for an active politician and activist in civil society rather than a bureaucrat. Therefore, it is understandable that Dr. Surin Pitsuwan has ample experiences in persuading ASEAN's foreign ministers to adopt appropriate policy to address issues affecting ASEAN's people. Dr. Surin realized that ASEAN's mission in promoting and protecting human rights enhances ASEAN's image as a responsible regional organization. More importantly, as a member of ICISS, Dr. Surin contributed to the development of R2P

in ICISS's report entitled "The Responsibility to Protect" in 2001. This is to show Dr. Surin Pitsuwan's experience in following R2P since its nascent day to recent development. The following part will show the role of ASEAN's Secretary-General Surin Pitsuwan in transforming R2P from being an outside idea to local effort throughout the years. Going beyond his duty established in ASEAN Charter, ASEAN's Secretary-General was proactive in his mediating role between Myanmar government, ASEAN states and international donors in relief coordinating and fund raising.

3.4.1 Role of Mediator and Facilitator by ASEAN's Secretary-General

Even though ASEAN Charter does not recognize the role of mediator for ASEAN's Secretary-General went beyond the scope of his duty and took action to bridge the military government and the international community in an effort to deliver humanitarian assistance to Myanmar victims. Diplomatic means, together with humanitarian and other peaceful means, are recommended in the paragraph 139 of the WSOD to guide the response of the related state, regional organization and the international community. In order to reconcile the distrust between the junta and the international donors, Dr. Surin felt the need to prune the idea of coercive intervention under the name of R2P to make it more acceptable for the Myanmar's military government. ASEAN's Secretary-General played the role of mediator through

diplomatic efforts to build trust and foster cooperation between Myanmar government and international donors as well as mobilize collective support by ASEAN member states for Myanmar victims.

Firstly, ASEAN's Secretary-General dealt with ASEAN member states by mobilizing their support through regional meeting such as ASEAN Ministerial Meeting AMM. Immediately after the cyclone Nargis, on May 5th 2008, the Secretary-General of ASEAN raised his voice to urge ASEAN states to provide urgent humanitarian aid to release the humanity suffering of vulnerable populations in Myanmar under the attack of Cyclone Nargis (ASEAN Secretariat, 2008b). ASEAN's Secretary-General persuaded ASEAN that ASEAN needed to look beyond its long-standing principle of non-intervention into member states' affairs in order to achieve a collective solution to provide urgent protection for Myanmar victims. He insisted that ASEAN's principle should be flexible to meet the human needs of Myanmar's affected population. Three days after the struck of cyclone Nargis, ASEAN's Secretary-General Surin Pitsuwan developed his own initiative of ASEAN Cooperation Fund for Disaster Assistance to mobilize regional support for Myanmar victims (ASEAN Secretariat, 2008c). Another example of this effort is that Singapore and the Philippines were willing to send experts to the UN to assist the coordination of delivery of relief aid (ASEAN Secretariat 2008d).

On 9 May, ASEAN member states agreed to lead the coordinated humanitarian assistance in Myanmar with the condition of receiving the cooperation from the military government (Human Right Watch, 2008). A special roundtable among ASEAN Foreign Ministers to discuss the leadership of ASEAN in collective response to post-Nargis tragedy was organized on 18 May. ASEAN continued diplomatic interactions with the Myanmar government by discussing ASEAN's collective relief efforts to the situation in an ASEAN officials meeting In between, ASEAN's Secretary General kept writing to communicate with Myanmar leaders to urge them to the admission of ASEAN team in the assessment and relief mission (Human Right Watch, 2008). Specifically, Dr. Surin contacted the Minister of Foreign Affairs and Minister of Social Welfare, relief and resettlement in Yangon in order to urge the military government to facilitate the relief delivery.

On 19 May, ASEAN Foreign Minister Meeting in Singapore ended up with fruitful achievements. Several points were reached in the meeting: 1) the distribution of relief aid should be under the leadership of ASEAN through ASEAN-led Coordinating Mechanism, 2) ASEAN Humanitarian Task Force led by ASEAN's Secretary-General Surin Pitsuwan is assigned with coordinating the delivery of relief aid, 3) ASEAN-UN partnership will facilitate an aid-pledging conference to call for international donations in Yangon after the ASEAN Ministerial Meeting. The agreement is beneficial in many aspects. First, the agreement offers a legal

condition for the arrival of relief workers and medical staff. Secondly, according to the agreement, an ASEAN-led coordinating mechanism which can be seen by the coalition between ASEAN, the UN and the central coordinating body in Myanmar in the effort of effectively delivering the humanitarian assistance will be headed by the ASEAN's Secretary-General.

Furthermore, ASEAN's Secretary-General realized the importance of tackling the lack of trust in relief efforts to Myanmar government and international donors. In order to prove the transparency in relief effort to the military government, ASEAN showed that its efforts in coordinating humanitarian assistance in Myanmar did not aim at any political interest other than protecting the human rights of affected people who were in urgent needs of international assistance (ASEAN Secretariat, 2008e). Yangon finally agreed to cooperate with international community in the ASEAN-led assistance on the condition that the relief aid was not politicized.

ASEAN's effort in leading the coordination of delivery of humanitarian aid in Myanmar took off when ASEAN officially partnered with the UN in the ASEAN-led Coordinating Mechanism and international donors in helping Myanmar's victims. The ASEAN-UN partnership which was officially launched on 24 May obviously showed positive outcomes. The experience sharing on delivery process and strategies for sustainable agreement with the Myanmar government between ASEAN and the UN

started subsequently (ASEAN Secretariat, 2008d). At the take-off point for humanitarian aid at Don Mueang airport in Bangkok, ASEAN's Secretary-General kept on calling ASEAN's state leaders, private sectors and civil society to call for assistance for Myanmar victims.

In order to raise fund for the relief aid, Dr. Surin had a discussion with the World Bank's President, Robert B. Zoellick on the collaboration of delivering humanitarian aid in Myanmar (ASEAN Secretariat 2008e). This organization committed to providing 850,000 USD for ASEAN Secretariat to facilitate the relief effort in Myanmar (ASEAN Secretariat 2008f). In its attempt to deal with multilateral partners, after the meeting with the World Bank's President, Dr. Surin came to Myanmar to have a meeting with Myanmar Prime Minister to deliver the statement made in the ASEAN Ministerial Meeting (ASEAN Secretariat 2008g). The discussion touched the point on necessary steps to carry out the statement by ASEAN Ministerial Meeting. Dr. Surin insisted that these steps were of great important in fostering mutual trust between the international donors and the military government and a good preparation for the incoming UN Pledging Conference. During his visit in Yangon, ASEAN's Secretary-General also prepared for the visit by the UNSG in cyclone-affected areas on May 22nd and 23rd 2008. Lastly, the effort of ASEAN's Secretary-General Surin Pitsuwan in raising humanitarian fund for Myanmar victims was recognized by the success of the international conference.

ASEAN's leadership in addressing the situation in Myanmar was shown in its effort to develop ASEAN Emergency Rapid Assessment Team (ERAT). ERAT was set up by the coordination between ASEAN Secretariat, ASEAN Committee on Disaster Management[19] and the military government. With the consent from Yangon, ERAT was sent to the affected areas to work from 9 to 18 May. Based on collected information in field and consultation with senior government officials, ERAT concluded that the lack of nutrition and widespread diseases led to a high possibility of a second wave of death (ASEAN-ERAT, 2009). Thanks for the assessment report of ASEAN-ERAT, ASEAN becomes more aware of its leadership in strengthening solidarity and cooperation among neighboring countries as well as experienced humanitarian agencies to build a strong partnership in the combined effort of disaster management through all phases of relief, recover, reconstruction and future risk reduction, which later inspires the unique idea of ASEAN-led coordinating mechanism (ASEAN Emergency Rapid Assessment Team Mission Report, 2008).

ASEAN's Secretary-General understood that international donors were frustrated with the military government who was likely to misuse the international assistance. Therefore, to have a good follow-up of the humanitarian assistance in

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[19] ERAT was developed by ASEAN Agreement on Disaster Management and Emergency Response that was ratified by ASEAN member states in the aftermath of 2004 Asian tsunami.

Myanmar, and to clarify the distribution of relief to international donors, ASEAN Humanitarian Task Force (AHTF) was established under the direction of Dr. Surin. AHTF consists of 22 members and was headed by ASEAN Secretary General (McLachlan & Langmore, 2011). As the head of AHTF, Dr. Surin arranged an appointment with Myanmar government and the representatives of international donors to prepare the agenda for activities of relief delivery after the Cyclone Nargis as well as to have good follow-up of the humanitarian assistance in Myanmar. On May 29th 2014, as the head of AHTF, Dr. Surin reported success in delivering food from World Food Programme.

ASEAN's Secretary-General Surin Pitsuwan also facilitated the organization of a discussion for Post-Nargis Joint Assessment (PONJA, 2008). This roundtable aimed at ensuring the contributed aid from international donors and their participation in the distribution process, ensuring the transparency and validity in the assessment report and listening to the voices of experts to draw lessons and experiences for future cases (Pitsuwan, 2008).

On May 25 2008, ASEAN's Secretary-General, along with three representatives of the UN, ASEAN Chair, and Myanmar's President, directed the International Pledging Conference in Yangon. One result of the conference is that nearly $50 million from more than fifty international donors was mobilized to support the Myanmar victims.

Another significant outcome of the event was the start of Tripartite Core Group (TCG) (Sabandar, 2010). Chaired by the Myanmar's Government, TCG works to coordinate, operate, monitor and report the international assistance (PONJA, 2008). Working through the mechanism of TCG, ASEAN was successful in granting nearly 4,000 working visas for humanitarian workers, providing four Social impacts monitoring exercises, and three assessment report of local needs and total damages through the Post-Nargis Joint Assessment, and developing Period Reviews in order to update humanitarian assistance program in transition into recovery phase (Sabandar, 2010). Throughout the year, TCG Meetings were organized in order to raise fund and prepare to shift the relief effort to the rehabilitation stage in Myanmar until its extended mandate in July 2010 ended (ASEAN Secretariat, 2008h)

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Figure 9, 10: Assessment Team Interview Cyclone-Affected Victims

Source: AHFT Coordinating Office

To conclude on ASEAN-led Coordinating Mechanism, it should be said that on the brink of the military intervention from the international community, this tense international atmosphere provides a window of opportunity for ASEAN to lead the negotiations with the junta as well as coordinate the humanitarian assistance. ASEAN, led by ASEAN's Secretary-General Surin Pitsuwan, developed its own initiative of ASEAN-led coordinating mechanism. Under the leadership of Dr. Surin, ASEAN-led Coordinating Mechanism proved to be a good alternative to Myanmar government in order to protect its people and to avoid the international condemnation of irresponsible regime as well as prevent "aid at the point of a gun" (Kaplan, 2008, para 1). Furthermore, as the norm entrepreneur of R2P in ASEAN, ASEAN's Secretary-General was very active in mobilizing regional support in material for Myanmar victims from ASEAN member states. Besides, the success of ASEAN-led Coordinating Mechanism depends on the diplomatic skills of ASEAN's Secretary-General to be the mediator in the attempt to build trust between the international community and Myanmar's military government. This effort helped transform the decision taken by the Myanmar authority to cooperate with ASEAN to facilitate the relief effort. Thanks for Dr. Surin's leadership and initiative of Tripartite Core Group in the ASEAN-led Coordinating Mechanism, the junta finally agreed to issue belated visas to humanitarian workers working for UN and other humanitarian agencies, grant more access to affected areas to them, admit an emergency assessment team from ASEAN

(ERAT), and receive senior UN officials. This outcome paved the way for further coordination led by ASEAN in delivering humanitarian assistance to Myanmar victims.

3.4.2 Reflection on Local Norm of Non-Interference and Norm Entrepreneur in R2P's Localization in ASEAN

3.4.2.1 Non-interference in R2P's Localization

Under the circumstance of the criminal ignorance of human suffering of Myanmar victims after cyclone Nargis, it was likely that the international community would use the irresponsibility by Myanmar government to justify a humanitarian intervention under the name of R2P in Myanmar (Emmerson, 2008). Emmerson (2008) also indicates that ASEAN possibly get rid of its local norm of non-intervention to save millions lives in humanitarian crisis in Myanmar. However, it should be noted that what is happening in ASEAN is that this regional organization is building a "people-oriented community" in which human security is the high priority in states' affairs (ASEAN Charter, 2007, p. 5). Due to the support of responsible sovereignty among ASEAN member states, national policy should reflect the idea of sovereignty as responsibility. This new perception of sovereignty implies that Myanmar government should not go on with the constitutional referendum while ignoring the suffering of millions of victims, and refusing international assistance from the international community. This perception obliges ASEAN to protect millions of lives

for Myanmar victims affected by the cyclone Nargis and, more importantly, to transform the negative attitude by the junta into cooperative coordination with regional organization and the international community to provide protection for affected victims from the natural catastrophe.

In the meantime, the proposal of external intervention against the desire of Myanmar government was weakened as it competed with ASEAN's local norm of non-intervention into member states' affairs. When ASEAN was established, five founding member agreed to adopt the principle of non-intervention as the underpinning principles in the interactions among ASEAN member states to maintain regional stability (Acharya, 2001). At the 1976 Bali Summit, these principles were formulated in the Treaty of Amity and Cooperation. Recently, these principles have been adopted in the legal document of ASEAN Charter to guide the interaction among ASEAN member states. Non-interference has been considered as a local norm in ASEAN that has been promoted and protected since its establishment. When it comes to ASEAN's response to cyclone Nargis, the attachment with the norm of non-intervention plays a crucial role in shaping the strategy of ASEAN.

Facing the pressure of invocation of R2P to forcefully intervene into Myanmar, the military government feared that international assistance was related to political interests from Western states. Understanding this concern of Myanmar government

and ASEAN member states that humanitarian intervention under the name of R2P can be a negative precedent to regional stability, ASEAN choose a constructive, and peaceful solution to work with the military government rather than a forceful intervention against the junta. ASEAN also developed its diplomatic capacity as a useful vehicle to eliminate skepticism that Myanmar government had towards foreign involvement and facilitated communication between the international community and Myanmar government over the cooperation to deliver collective relief aid. In the end, ASEAN got the consent from the military government to allow the access for humanitarian workers and to allow ASEAN to lead the relief effort. ASEAN also successfully engaged the international community in the relief effort to take advantage of the UN enormous resources in terms of finance and human resources to provide protection for Myanmar victims in time of need.

In conclusion, facing the severe destruction by cyclone Nargis, Myanmar government was unable to deal with the serious consequences and deliberately neglected the human suffering by millions of affected victims in the south of the country. This behavior was unacceptable for ASEAN member states which support the idea of responsible sovereignty. Theoretically, sovereignty as responsibility prevents states from doing whatever it wants to its citizen even though its behavior is detrimental to human rights and human security of the people. When it comes to cyclone Nargis, ASEAN views that the ignorance of human suffering and refusal of

international assistance in urgent time was a conduct that violates human rights and human security of Myanmar people. With the idea of responsible sovereignty in mind, ASEAN states, led by the ASEAN's Secretary-General, was motivated to mobilize humanitarian assistance for Myanmar victims.

Additionally, facing the international pressure of external intervention under the name of R2P in Myanmar, ASEAN's local norm of non-intervention in member states reinforces the fear that it will be a negative precedent for the intervention in member states. The intense atmosphere opens a window of opportunity for ASEAN to be the mediator to build trust between the military government and the international donors. Yangon finally agreed to facilitate the relief effort and to cooperate with ASEAN and the international community in providing protection for cyclone-affected people. Through ASEAN-led Coordinating Mechanism and the Tripartite Core Group, ASEAN showed that how the partnership between the international community, regional organization and Member state in humanitarian relief can provide effective and timely protection to vulnerable people and that ASEAN was successful in putting its commitment to build a people-centered and caring community into action without violating its local norm of non-intervention into member states' affairs. Again, ASEAN's successful effort in changing the negative attitude of the junta into cooperative collaboration in relief effort is an evidence of ASEAN's support of responsible sovereignty.

3.4.2.2 Norm Entrepreneur in R2P's Localization in ASEAN

Successful R2P's localization in ASEAN cannot be fulfilled without the role of R2P's norm entrepreneur - ASEAN's Secretary-General Surin Pitsuwan. As shown in the chapter two, norm entrepreneur can be an influential individual in the effort to develop norm. Before being appointed as ASEAN's Secretary-General in 20008, Dr. Surin was a prominent lecturer in political science, a credible Member of Parliament. He was the Chair of ASEAN Regional Forum (ARF) and ASEAN Ministerial Meeting in 1999-2000. He is now a member of many international organization and associations[20]. He also worked for the UN's Commission on Human security from 2001 to 2003, the International Labor Organization (ILO)'s World Commission on the Social Dimension of Globalization from 2002 to 2004, and the Advisory Board of the UN Human Security Fund, the Advisory Board of the International Crisis Group (ICG). Having experiences in working in high positions, Dr. Surin is a very influential person in different aspects, among which is human rights and human security, and R2P. Notably, Dr. Surin sees that human right protection and promotion will be the solutions to many regional non-traditional issues. With his own initiative of "flexible engagement", he motivated ASEAN member states to go beyond the traditional

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[20] See more at http://www.asean.org/news/item/secretary-general-of-asean-surin-pitsuwan

principles of non-intervention in member states to deal with current challenges. Most importantly, in addition to being an insider proponent of human rights, human security, and democracy he was among those who worked to develop R2P principle in various regional forums since initial stages when he was an advisor to the ICISS from 1999 to 2001. In other words, the influence that Dr. Surin has gained throughout his life helps him to mobilize necessary support from international partners and ASEAN member states when it is necessary. His quality, qualification, and working experiences in R2P make him a rightful norm entrepreneur of R2P in ASEAN.

Surin Pitsuwan became ASEAN's Secretary-General when the world politics and global economy underwent dramatic changes. In the competition with the rising powers of Japan, China, and recently India, ASEAN as a group of small states faces a series of challenges. The challenges came from the process of economic integration and interdependence, technological advances, and environmental degradation. The severe consequences of Asian Crisis in 1997 showed that the state was not the only force to bring the best for the people. ASEAN came to realize the significance of developmental rights, i.e. "free from want" in the pursuit for socio-economic progress (Hsien-Li, 2011). Dr. Surin was aware that ASEAN needed a sustainable development which bases on a strong foundation of the human development. Dr. Surin saw that the fulfillment of human potential is an appropriate measure for

ASEAN to strengthen itself from within and an insurance to avoid the past mistake from the Asian Crisis. Therefore, human security and human rights protection in an environment in which population enjoys the good governance and democracy is a means to that end.

Facing new challenges in the regional context, Dr. Surin recognized the importance of new ideas and approaches to address complex impediments in a new environment. In his speech to Channel News Asia before taking his position as ASEAN's Secretary-General, Dr. Surin emphasized the significance of the innovative idea of human development and human rights protection in ASEAN's effort to restructure and re-engineer itself to meet new challenges. In regards of his educational background, Dr. Surin had opportunities to study in several universities in Thailand, America, and Cairo. This experience enabled him to be exposed to various cultures and civilization and familiarized him with innovative ideas in global politics to seek for a solution towards sustainable development. He championed the universal values of human security and human rights protection. Hence, in order to fulfill his responsibility of being ASEAN's Secretary-General, Dr. Surin felt it necessary to infuse "Asian values" which put emphasis on democracy, human rights protection, and sustainable development into the regional security architecture as a

measure to build a solid foundation for ASEAN's development in a new era (Pitsuwan, 1998).

In the case of cyclone Nargis, the intense political situation brought by the proposed humanitarian intervention provides a space of negotiation and mediation between angry international donors and the passive military government. This space was filled by ASEAN under the leadership of ASEAN's Secretary-General Surin Pitsuwan. Facing the intensified international pressure of R2P, Surin tried to reconcile the external pressure of imposed "direct aid" through military intervention and local norm of non-interference by ASEAN states. While the international donors did not trust the Myanmar authority in delivering relief aid, and the imposed intervention from Western states threatens the Myanmar government, ASEAN was the only institution that could deal with the both sides to ensure the humanitarian assistance reaching the victims. On the one hand, in order to ensure that affected populationare protected, Surin tried to work with Myanmar government to accept the relief assistance. On the other hand, he insisted that the humanitarian assistance should do without any political motives from international donors. ASEAN's Secretary-General was clever in developing the initiative of ASEAN Humanitarian Task Force, directing it, and then transforming it into Tripartite Core Group in the International Pledging Conference to solve the mistrust among international donors

and the junta. Dr. Surin performed very well the task of norm entrepreneur of R2P in ASEAN by developing workable initiatives to provide effective protection for vulnerable victims as well as preventing a violation of local norm of non-inference into one ASEAN's member state under the name of R2P by Western actors.

Besides, ASEAN's Secretary-General also sought to mobilize regional support for Myanmar victims. Dr. Surin based his argument to convince ASEAN governments on the possible negative effects of widespread diseases from Myanmar into other ASEAN states. He started mobilizing regional resources and fundraising for cyclone-affected victims in Myanmar with the initiative of ASEAN Cooperation fund for Disaster Assistance (Emmerson, p. 43). Additionally, ASEAN's Secretary General continued his efforts in mobilizing international solidarity to protect the life of the Myanmar victims by organizing a multilateral meeting in order to seek support for a "coalition of mercy" for the victims of Cyclone Nargis" (Roberts, 2009, p. 192).

In conclusion, as an intermediary between two mistrustful parties, Dr. Surin was successful in making ASEAN important for both sides. Through meeting with Myanmar leaders, ASEAN's Secretary-General ensured that humanitarian assistance will not be politicized. ASEAN also managed to mobilize international assistance from international donors and get the consent from the military government to allow

humanitarian workers to deliver relief aid to Myanmar victims. Not only did Dr. Surin develop the initiatives of ASEAN-led Coordinating Mechanism which first based on ASEAN Humanitarian Task Force, and subsequently on Tripartite Core Group to protect Myanmar's sovereignty by providing protection for Myanmar victims he also contributed to preventing externally imposed aid in the territory of one ASEAN member state. Consequently, the goal of R2P was fulfilled, and the local long-standing norm of non-intervention in a ASEAN member state was well maintained.

3.5 Institutional Changes in ASEAN

As concluded in chapter 2, institutional changes are the long-terms outcomes if a foreign norm is successfully localized in the local context. Accordingly, R2P's successful localization contributes to enhance ASEAN's commitment and political will to fulfill its task in addressing human rights violations in the humanitarian crisis like cyclone Nargis. At the 30th General Assembly of the ASEAN Inter-Parliamentary Assembly, ASEAN's Secretary-General Surin Pitsuwan expressed his reflection on the impacts cyclone Nargis had on ASEAN. He indicated that, in the aftermath of cyclone Nargis, a new ASEAN which was able to lead the delivery of humanitarian assistance, which could be an effective mediator between the military government and international donors, and which was a competent coordinator of humanitarian

operation, was launched. The application of R2P norm into ASEAN in cyclone Nargis provides the rare opportunity for ASEAN to be an intermediary between international community and a member state. It also shows ASEAN's capacity to address human rights violation in a member states. This coincides with the effort to develop the protection of human rights endorsed in ASEAN Charter. Therefore, the successful localization of R2P in ASEAN through a case study of cyclone Nargis reinforces the goals of a people-centered and caring ASEAN community.

Furthermore, there are some lessons to be drawn from R2P's application in ASEAN through a case study of cyclone Nargis in order to strengthen regional capacity and to develop regional mechanism to effectively respond to humanitarian crisis in the future (Pitsuwan, 2012b). One of the examples is the establishment of AHTF which is tasked with building capacity and provide financial support for local government for two years. However, there was a conflict between traditional norms of non-intervention and the mission of protecting human rights through effective disaster management. When the responsibility to protect is urgent, ASEAN proved that the maintenance of local norm of non-interference should not necessarily mean rejection of external assistance, but rather to engage in international partnership to address the urgent needs of the victims (Collins, 2013, p. 133). Obviously, an international coalition for humanitarian assistance does not erode the local norm of non-intervention; it contributes to strengthen ASEAN's capacity in responding to

humanitarian crisis. Appreciating the role of the tripartite mechanism, at the 64th UNGA, the Prime Minister of Myanmar asserted that the Tripartite Core Group should be the new model vehicle for humanitarian partnership in future efforts in disaster management (ASEAN Secretariat, 2008b).

The report of UN's Secretary-General on "The Role of Regional and Sub-regional Arrangement in Implementing the Responsibility to Protect" in 2011 insists that collective action taken through UNSC will be carried out in the cooperation with regional or sub-regional organization (UNGA, 2009). The responsibility to protect of the Myanmar victims in post-Nargis cyclone was well implemented through a humanitarian partnership between ASEAN and the UN. Working together with the UN in this partnership, ASEAN was able to reduce life loss, alleviate human sufferings, prevent military intervention, and build trust between Yangon and international donors. This is the first time ASEAN, led by ASEAN's Secretary-General, has been at the forefront to assist its member states to protect human security in the wake of disaster. The ASEAN's role in leading the external relief aid in Myanmar in post-Nargis situation is described as "international assistance with a regional character" (Belanger & Horsey, 2008, p. 4). It suggests that engaging with regional organization in an international humanitarian partnership is not only the model to fulfill R2P in the future but also contributes to socialize R2P as a positive norm to enhance ASEAN's capability to address humanitarian crisis through diplomatic means in an ASEAN-led

Coordinating Mechanism. ASEAN should take this model of partnership into consideration when its people are vulnerable to different traditional and non-traditional threats to their human securities and human rights. As a result, ASEAN's profile as a people-centered community will be certainly enhanced. To conclude, in a globalized world in which non-traditional threats tend to violate human rights and human security, ASEAN should develop its capacity to manage human rights –related crises based on common recognition of human rights protection and promotion, respect of local norms, and collective effort in an effective international partnership.

CHAPTER IV: CONCLUSION

This qualitative research uses the case-study approach to explore the impacts of R2P on ASEAN's leading role in delivering humanitarian assistance following the Cyclone Nargis in Myanmar. As embraced in the 2005 WSOD, R2P suggests that states should be responsible for protecting its people in four crimes – genocide, war crimes, ethnic cleansing, and crimes against humanity. In this process, the international community is responsible for assisting states by building state capacity. If states are unwilling or incapable of doing so, the international community needs to engage by all means, even military intervention as the last resort, to ensure the protection of people's lives.

This research uses Acharya's norm localization as a theoretical framework for analysis. According to Acharya (2004), the diffusion of foreign norms in a locale is called norm localization. In the first place, Acharya (2004) indicates that the development of new norms is motivated by the transformation in local politics. This coincides with the community building of ASEAN into a people-oriented and caring community which can provide effective and timely protection of its people in cases of human rights violation or human security deterioration. With this in mind, the focus of the paper is to pinpoint the linkage between R2P as a foreign norm and

local norms endorsed in ASEAN Charter and APSC. The paper proves that the repetitive phrases of promotion of human right in two guiding documents of ASEAN Charter and the APSC provides a solid normative ground for the evolution of the concept of responsible sovereignty which is the foundation for the application of R2P in ASEAN.

Acharya (2004) also points out that the localization of a foreign norm into a local context is the outcome of the contestation between external and local norms. The more the external norms match with local ones in local institution and history, the more successful the localization is. Instead of eliminating local norms, norm localization is a process in which the congruence between foreign and local norms is expected to be developed so that foreign norms can be accepted in the local context. Throughout the process, norm entrepreneurs are important in the success of the localization process. This theoretical point inspires the research question on the impacts of R2P as a foreign norm to ASEAN's response to the emergency situation following the cyclone Nargis in Myanmar in 2008. The local norm in this research is the principle of non-intervention. It is therefore argued that under the international pressure of a coercive humanitarian intervention into Myanmar, ASEAN was successful in using diplomatic means to build trust between the junta and the frustrated international donors to prevent a coercive humanitarian intervention in an ASEAN member state. In this way, ASEAN was successful to fulfill responsible

sovereignty without eroding or eliminating local norm of non-interference into member states' affairs.

Facing a severe catastrophe, Myanmar government was in need of humanitarian assistance to recover from the disaster. However, the junta's perception of the international assistance and the West's perception of the junta hindered the relief aid. While the international donors had an apprehension that aid and money would not be appropriately delivered to the victims who were in urgent needs but those who supported the regime, the junta was concerned that an influx of foreigners into the country would lead to an anti-government conspiracy. At the same time, Western countries called for the invocation of R2P to rely on military intervention to deliver relief aid. Besides, Western ships, helicopters and vessels off the coast of the country, which were ready to operate the forceful humanitarian intervention, makes Cyclone Nargis become a threat to the grip of power of the junta. Thus, despite its urgent need, the junta refused external assistance. ASEAN understands that the "trust deficit" among two sides restricts the willingness to cooperate to coordinate humanitarian assistance from the junta (ASEAN Secretariat, 2008d, p. 10).

At the same time, ASEAN is sympathetic with Myanmar's dilemma. The military regime was not qualified enough to manage the worst natural disaster in the country and felt threatened with international community's condemn of neglecting its people's suffering. In this intense mood, ASEAN's Secretary-General led ASEAN to act as a mediator between the international donors and the junta to prevent coercive humanitarian intervention from happening; in other words, to maintain ASEAN's local norm of non-intervention into its member state. ASEAN, through its active Secrtary-General, also acted as a facilitator of the delivery of relief aid to ensure humanitarian assistance is effectively delivered to affected victims at the right time.

In respect to local norm of non-interference, one of the contentions about R2P in Myanmar in particular, and in ASEAN in general, is that R2P should not be externally imposed. With this in mind, ASEAN shifted the tense situation of military intervention to fulfill R2P into a cooperative and meaningful ASEAN-led humanitarian partnership. According to ASEAN Secretariat, this is ASEAN's "culturally appropriate response" to the post-Nargis crisis (ASEAN Secretariat, 2008d, p. 20). At the forefront of the humanitarian partnership, ASEAN, led by ASEAN's Secretary-General made successful diplomatic negotiations with Myanmar government to get its consent to accept foreign aid, to allow humanitarian workers, medical teams, AHTF, and ASEAN-ERAT to enter the country. ASEAN-led humanitarian mechanism and Tripartite Core

Group proved to be a good instrument to enable ASEAN to play the role of bridging Myanmar government who insists on sovereignty and non-interference and the international community who is seeking to protect the affected people. Several projects introduced under the ASEAN-led Coordinating Mechanism such as AHTF, TCG, PONJA, Periodic Review, Social Impacts Monitoring (SIM), and PONREPP prove the effectiveness of humanitarian partnership between the international donors, regional organization, and local government in the relief and recovery effort. Instead of externally imposed humanitarian assistance, the relief aid for cyclone-affected victims could be effectively delivered with the cooperation from the military government. In this sense, the invocation of R2P, especially the coercive measure of humanitarian intervention, and the role of ASEAN's Secretary-General as an intermediary between the international community and Myanmar government in this partnership, is influential in the decision changing by the military government to receive international assistance to help victims recover from the cyclone.

Lastly, Acharya (2004) states that the long-term outcome of successful norm localization is that localized new norms will shape regional institution. It means regional institution is likely to experience changes in terms of enhanced scope of task.

When it comes to the localization of R2P in ASEAN through the case study of cyclone Nargis, ASEAN's effective response to humanitarian crisis in Myanmar is indicative of ASEAN's commitment and capacity in providing protection for its affected people to fulfill its sovereignty as responsibility. ASEAN's response to the emergency situation in Ayeyawardy delta reflects the capacity of the people-centered regional organization which works to serve the needs, protect human rights in the region. Cyclone Nargis also demonstrates the channel through which the international community can work to engage humanitarian assistance in the country in which the government is not willing to cooperate to coordinate the delivery of relief aid. The ASEAN-led coordinating mechanism and Tripartite Core Group mechanism are instrumental to help Myanmar with the recovery from the disaster, empowers local institutions, and promotes accountability in Myanmar authority in managing crisis for effective governance of national development in future. With the appropriate diplomatic strategy, together with multi-stakeholder coordination, ASEAN's collective response in post-Nargis crisis transformed challenges into opportunities so that ASEAN was lucky to be "baptized" by the Cyclone Nargis (ASEAN Secretariat, 2008d, p. 9). In the evolution from a political organization to a people-centered community, ASEAN's response to post-Cyclone Nargis provides the lessons of "closer cooperation, broader integration and multi-stakeholder

partnerships"[21] so that ASEAN Community can effectively respond when human rights violations occur (ASEAN Secretariat, 2008d, p. 10).

This research bases on the theory of Acharya's Norm Localization Theory. The theory clearly indicates the significant role of norm-entrepreneur in the diffusion of external norm in local environment. This is well proven in the case of cyclone Nargis. Undeniably, ASEAN's response to the humanitarian crisis following the cyclone Nargis was completely attributed to Dr. Surin Pitsuwan who succeeded in mobilizing the regional support for human protection of affected victims in Myanmar, and developing a regional initiative to enable ASEAN to lead the humanitarian assistance to fulfill its responsible sovereignty. Nevertheless, this does not necessarily imply that the role of norm entrepreneur can always be a good guarantee of successful localization of a foreign norm into a local context. This is because the role of norm-entrepreneur depends on his qualification and quality. Different norm-entrepreneurs who hold different background, qualification, and qualities lead to different the outcome of the norm localization. Therefore, it comes as a question that whether the norm entrepreneur in future human rights violation can be a decisive factor in fulfilling human protection. One thing that can be certain in this research is that the

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[21] This is a part of opening statement by Thai Minister of Interior at the Post-Nargis and Regional Partnership Conference (PONAC) in Bangkok. See ASEAN Secretariat. (2008d). Charting a New Course: ASEAN-UN Post-Nargis Partnership, p. 10.

role of individual leader of ASEAN's Secretary-General Dr. Surin Pitsuwan in the

localization of R2P in ASEAN in the case of cyclone Nargis is undeniable.

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APPENDIX

VITA

Thu Thi Anh Nguyen was born in Hue City, the ancient capital of Vietnam in the central part of the country. She obtained a B.A. in international Studies from the Faculty of International Studies, Hue College of Foreign Languages (HUCFL) in October, 2011. After the graduation, she participated in the Ship for Southeast Asian Youth Program SSEAYP 38th in 2011 from September to December, 2011. During the program, she was one of the 28 Vietnamese Participating Youths attending Japan-ASEAN Youth Summit in Tokyo in November, 2011 and exchange programs in Nara, Japan; the Philippines, Brunei Darussalam, Indonesia, Malaysia, and Vietnam. She started her teaching assistant of ASEAN Studies, Global Issues in January 2012. In July, 2012, she attended the Peace Training for Youth in Mekong Regions in Thailand. This training is a landmark of her research interest into peace studies and conflict resolution, human rights protection and human security in Southeast Asia. In September to October, 2012, she attended the Global Politics Fall School by Free University, Berlin in Hanoi. In November, 2012, she acquired a grant from ASEAN Scholarship by Chulalongkorn University and started her Master in Southeast Asian Studies in Chulalongkorn University. Additionally, Her interests in Peace Studies, and Human Security has been intensified after she participated int he Youth for Peace Training by the International Institute of Peace Studies IIPS in Nong Chok, Thailand in March, 2014. She is happy to complete this thesis which is related to human rights, human security, and conflict resolution in Southeast Asia.