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**ASEAN Institute for
Peace and Reconciliation**

WORKING PAPER SERIES ON PEACE AND CONFLICT RESOLUTION

**The Responsibility to Provide: Cultivating
an Ethos of Responsible Sovereignty in
Southeast Asia**

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ISSUE: 2021 - NO. 05

The Responsibility to Provide: Cultivating an Ethos of Responsible Sovereignty in Southeast Asia

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ASEAN-IPR Working Paper Series on Peace & Conflict Resolution is published electronically by the ASEAN Institute for Peace & Reconciliation (ASEAN-IPR)

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ASEAN-IPR acknowledges and appreciates the contribution of Drs. Sunu Mahadi Soemarno, MA as the copy editor of the ASEAN-IPR Working Paper Series on Peace and Conflict Resolution.





Abstract

Are ASEAN Member States responsible actors that care and provide for not only their own but also regional neighbours in need? This study aims to understand and explain, through identifying, mapping and analysing, a nascent “ethos” of interstate responsibility that arguably has risen between and among ASEAN countries – in an embryonic and uneven fashion, to be sure, and presently more evident in some countries than in others.

Referred to here as “the responsibility to provide” (or “responsible provision”),¹ this ethos assumes that sovereign nations ought to provide for the welfare of their people. In the event they are unable to satisfy that requirement, they bear the responsibility to see what other resources they can garner, including those furnished by the international community, to provide for their people. The ethos has also manifested as acts of hospitality shown to neighbours affected by natural disasters and/or as forms of assistance provided – from relief aid, financial and developmental assistance, military equipment and training, to peacekeeping forces – to neighbours coping with economic difficulties, problems of militancy and terrorism and so forth.

By way of a case-study method that “builds theory” through an inductive process of “soaking-and-poking” through various empirical cases,² this study aims to establish patterns of responsible conduct from bilateral and multilateral cooperative activities undertaken by ASEAN states and its dialogue partners. In contrast to “the responsibility to protect” (R2P), with which ASEAN states have an ambiguous relationship,³ the concept of responsible provision introduced here does not challenge ASEAN’s long-standing principle of non-intervention as its fulfilment does not hinge

¹ An early effort by this author at theorising the responsibility to provide on ethical-cum-philosophical grounds is, See Seng Tan, *The Responsibility to Provide in Southeast Asia: Towards an Ethical Explanation* (Bristol: Bristol University Press, 2019).

² Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA: The MIT Press, 2004).

³ Alex J. Bellamy and Mark Beeson, “The responsibility to protect in Southeast Asia: Can ASEAN reconcile humanitarianism and sovereignty?” *Asian Security* 6, no. 3 (2010): 262–79, and Alex J. Bellamy and Catherine Drummond, “The responsibility to protect in Southeast Asia: Between non-interference and sovereignty as responsibility,” *The Pacific Review* 24, no. 2 (2011): 179-200.



solely on the responsibility of other nations to furnish what an ASEAN country may lack in providing for its population. Rather, whether as recipients or providers, ASEAN Member States share the obligation to furnish succour, safety and security to affected populations: recipients through their consent and providers through their contributions of aid, assistance and the like.⁴

This study expects to find patterns of interstate disposition and practice consonant with responsible provision across areas of non-traditional security cooperation – growing but incipient and patchy patterns rather than mature and uniform ones, as one might expect of a still nascent ethos. The claim here is not that ASEAN states are already formed responsible or ethical agents, but that it would be a misrepresentation to denote them as being essentially irresponsible and wholly self-centred actors. Going forward, the further entrenchment and settlement of the responsibility to provide within the diplomatic-security fabric of Southeast Asia is likely to prove a key normative foundation on which the region’s future peace and well-being rest.

⁴ See Seng Tan, “Providing for the Other: Rethinking Responsibility and Sovereignty in Southeast Asia,” *Critical Studies on Security* 5, no. 3 (December 2017): 270-86, and See Seng Tan, “Towards a ‘Responsibility to Provide’: Cultivating an Ethic of Responsible Sovereignty in Southeast Asia,” in *Norms of Protection: Responsibility to Protect, Protection of Civilians and Their Interaction*, eds. Angus Francis, Vesselin Popovski, and Charles Sampford (Tokyo: United Nations University Press, 2012), 249-67.



Background

Conventional wisdom on Southeast Asia suggests a region given to political backwardness, despite its relative economic well-being.⁵ Military coups in Thailand in 2014 and more recently in Myanmar in February 2021 underscore the region's susceptibility to authoritarian reversal of past democratic gains.⁶ While the region's public health response to the COVID-19 pandemic has varied from country to country, there are suggestions that some ASEAN states use the pandemic to justify crackdowns on political freedoms and civil liberties.⁷ Developments like the campaign waged by the Tatmadaw (Myanmar's military) against the Rohingya Muslims in Rakhine State between 2016 to 2017 and Philippine president Rodrigo Duterte's war on drugs and its human rights consequences in the Philippines also foster the impression of Southeast Asia as a culpable region.⁸ In

⁵ Lee Morgenbesser, *The Rise of Sophisticated Authoritarianism in Southeast Asia* (Cambridge: Cambridge University Press, 2020).

⁶ In Myanmar's case, the 2021 coup was the fourth such coup in the country since the "constitutional coup" of 1958.

⁷ Joshua Kurlantzick, "The Pandemic and Southeast Asia's Democratic Struggles," *Current History* 119, no. 818 (2020): 228-33.

⁸ Sebastian Strangio, "What Should ASEAN Do About the Rohingya Crisis?" *The Diplomat*, 21 October 2020. Available at:

the light of the ambivalent relationship the ASEAN states have with the R2P global norm, their strict adherence to non-interventionism, as well as the ineffectiveness of ASEAN at addressing serious interstate and intrastate crises in its own backyard, such developments give rise to the perception that Southeast Asian governments and regimes – including the democratically elected ones – do not behave responsibly toward their own peoples, let alone their neighbours.

Granted, the issue is not simply one of an absence of political will to act responsibly, whether individually or collectively. It also has to do with the relative lack of state and regional capacities to act meaningfully, as evidenced by inadequate social safety nets in some Southeast Asian countries during the 1997 Asian financial crisis or insufficient expertise and resources in post-crisis relief and rebuilding in the wake of natural disasters like the 2004 Indian Ocean tsunami.⁹ Whichever the case, critics would

<https://thediplomat.com/2020/10/what-should-asean-do-about-the-rohingya-crisis/>, accessed 11 February 2021; Vanda Felbab-Brown, "The human rights consequences of the war on drugs in the Philippines," *Brookings*, 8 August 2017. Available at: <https://www.brookings.edu/testimonies/the-human-rights-consequences-of-the-war-on-drugs-in-the-philippines/>, accessed on 11 February 2021.

⁹ Helen E. S. Nesadurai and J Soedradjad Djiwandono, eds., *Southeast Asia in the Global Economy: Securing Competitiveness and Social Protection* (Singapore: ISEAS Yusof Ishak Institute, 2009); John Telford and John Cosgrave,



not be incorrect to point to all these evidences as reflective of the region's general inability and/or unwillingness to address its own predicaments. They are rendered the more tragic, so claimed, because of the apparent refusal by countries to protect not only their own populations, but those of their neighbours, from plights and tribulations whether natural or man-made.

On the other hand, regional conduct and developments suggest that the ASEAN states have in fact been working to address and redress some of these gaps. Their patterns of cooperation are by no means developed and mature, nor are they evenly distributed throughout the region. At the very least, they show that Southeast Asians “learned” from their experiences and are tentatively working toward a more tangible practice of mutual responsibility.

Research Objectives and Methodology

The research for this study relies on a case-study method that “builds theory”

“The international humanitarian system and the 2004 Indian Ocean earthquake and tsunami,” *Disasters* 31, no. 1 (2007): 1-28.

¹⁰ Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, and Ira William

through an inductive process of “soaking-and-poking” through various empirical cases. Using this method, this study aims, firstly, to identify and map patterns of responsible conduct from bilateral and multilateral activities undertaken by ASEAN states and its dialogue partners in the areas of economic and financial cooperation, disaster management and humanitarian relief, and counter-terrorism. Secondly, the study seeks to understand and explain those patterns as emblematic of a growing but still embryonic normative sense of ethical commitment within Southeast Asia.

Theoretical Framework

In the 1990s, developments in regional conflict management in Africa led the Sudanese diplomat and legal scholar Francis Deng and his associates to advance the ground-breaking notion of “sovereignty as responsibility”.¹⁰ For Deng et al, sovereignty is not merely about the rights of nations but equally their responsibility to perform the tasks expected of effective governments and to meet the needs of the societies under their care. In the 2000s, this re-envisioning of sovereignty was further

Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, D.C.: Brookings Institution Press, 1996).



developed by an international commission into “the responsibility to protect”, or the R2P,¹¹ which the United Nations (UN) subsequently adopted and refined into a doctrine regarding the protection of populations from grave harm by way of three conditions or “pillars”: the protective responsibilities of states; the provision of international assistance and capacity building; and – most controversial and challenging for the ASEAN states – timely and decisive response including military action.¹² Stressing that nations are obligated to protect populations against which crimes against humanity – such as genocide, ethnic-cleansing and war crimes – are being perpetrated, the UN took the extraordinary step to sanction the use of “timely and decisive” military intervention by the international community against errant governments guilty of those offences.

¹¹ *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa, ON: International Development Research Centre, 2001).

¹² *Implementing the Responsibility to Protect*, Report of the Secretary-General, United Nations A/63/677, 12 January 2009. Available at: <http://globalr2p.org/pdf/SGR2PEng.pdf>, accessed on 3 March 2021.

¹³ See, Justin Morris, “Libya and Syria: R2P and the spectre of the swinging pendulum,” *International Affairs* 89, no. 5 (2013): 1265-83, and

However, efforts to implement the R2P have proved challenging. Despite their being the most enthusiastic backers and practitioners of humanitarian intervention, the adherence by Western liberal powers to the doctrine – as evidenced by different responses to the war in Libya and the Syrian refugee crisis¹³ – has at best been mixed. This is neither a criticism of the R2P nor of its backers as much as an acknowledgement that saving strangers is a dangerous business that ought to give even the most enthusiastic humanitarian pause where indiscriminate interventionism is concerned.¹⁴

Moreover, at the conceptual and theoretical level, an inadvertent outcome of the R2P attaining the status of a global norm has been the framing of the debate on the responsibility of states primarily in terms of the R2P. Viewed through the R2P prism, sovereignty is either about right, where non-intervention is treated as the absolute and inviolable dispensation of states, or about *protective* responsibility,

Nathalie Tocci, “The Responsibility to Protect in Libya and Syria: Europe, the USA and Global Human Rights Governance,” in *The West and the Global Power Shift: Transatlantic Relations and Global Governance*, eds. Riccardo Alcaro, John Peterson, and Ettore Greco (London: Palgrave Macmillan, 2016), 221-46.

¹⁴ Mark Duffield, “The liberal way of development and the development-security impasse: Exploring the global life-chance divide,” *Security Dialogue* 41, no. 1 (2010): 53-76.



where states are not only obligated to protect their populations from crimes against humanity but face the prospect of becoming targets for humanitarian intervention by the international community should they fail to protect their own. Given Southeast Asia's ambiguous relationship with the R2P, the stark contrast between right and protective responsibility fosters the unwarranted conclusion that the ASEAN states are thereby irresponsible or unethical, perhaps even immoral. The narrow and quite demanding definition of responsibility allowed here not only ignores the wide range of conduct in which states engage but potentially ignores those as indicative of responsible behaviour.

This is not to imply that advocates of sovereign responsibility do not appreciate practical realities that militate against conceptual assumptions and doctrinal expectations. For example, insisting that the world cannot stand by idly in the face of untold suffering, Francis Deng nonetheless argued, "We cannot live on ideals that cannot be fulfilled. We have

¹⁵ Francis Deng, "Idealism and realism: Negotiating sovereignty in divided nations," The 2010 Dag Hammarskjöld Lecture, 10 September 2010, Uppsala University (Uppsala: Dag

to aspire to the ideals, but we have to deal with the reality on the ground. *And the reality on the ground is that we need the cooperation of the Member States to fulfil our mission.*"¹⁵ In like vein, Javier Perez de Cuellar, the former UN Secretary-General, once contended that rather than impaling ourselves unnecessarily on the horns of a dilemma between respect for sovereignty and the protection of human rights, what is involved is "not the right of intervention" but *the collective obligation of States to bring relief and redress in human rights emergencies.*"¹⁶

It is therefore in that middle ground between respect for sovereignty and non-intervention, on the one hand, and the R2P on the other where ASEAN states are arguably finding and locating themselves so far as their responses to non-traditional security challenges go. Despite the purported sanctity of the non-intervention norm (and its corollary, non-interference) in ASEAN's regional diplomacy, it could be said that ASEAN states are generally agreeable to the R2P conditions of protective responsibility and provision of assistance to others, whilst at the same time sensitive to the practical sensibilities of

Hammarskjöld Foundation, 2010), 13, italics added.

¹⁶ Javier Perez de Cuellar, *Report of the Secretary-General on the Work of the Organisation* (New York: United Nations, 1991), 14, italics added.



implementing just such a responsibility. This informal consensus is evident from regional academic-practitioner consultations¹⁷ and, as shown below, what ASEAN states have actually done and are doing in their humanitarian and cooperative security efforts. As the defence minister of an ASEAN member country emphatically stated at the 2008 Shangri-La Dialogue, it is the responsibility of all national governments to provide for the welfare of their people, and should they be unable to do so, then “it is their responsibility to see what other resources they can garner to help provide for the people”¹⁸ – an expression of regional commitment that was underscored

¹⁷ See the following reports, *Report of the Regional Consultation on the Responsibility to Protect (RtoP)*, 8-9 April 2010 (Singapore: Centre for Non-traditional Security Studies, S. Rajaratnam School of International Studies, 2010), and *Report of the Policy Roundtable on Civilian Protection: Issues and Challenges*, 9 February 2010 (Singapore: Centre for Non-traditional Security Studies, S. Rajaratnam School of International Studies, 2010).

¹⁸ Teo Chee Hean, “Plenary speech by minister for defence Teo Chee Hean at the Shangri-La dialogue 2008,” Singapore Ministry of Defence, 1 June 2008. Available at: http://www.mindef.gov.sg/imindef/resources/speeches/2008/01jun08_speech.html, accessed on 11 March 2021.

¹⁹ Mely Caballero-Anthony and Belinda Chng, “Cyclones and humanitarian crises: Pushing the limits of R2P in Southeast Asia,” *Global Responsibility to Protect* 1, no. 2 (2009): 135-55. When ASEAN Foreign Ministers met in Singapore to discuss the Nargis response, one of the three options that the 9 ASEAN members presented to Myanmar was that ASEAN would step aside and

that same year when ASEAN responded to assist Myanmar when that member country was devastated by Cyclone Nargis in humanitarian relief and post-crisis reconstruction.¹⁹ Indeed, the Nargis incident suggests that ASEAN states may even grudgingly accept, at least theoretically, the R2P condition of timely and decisive action, but through diplomatic and not military means.²⁰

What does the responsibility to provide or responsible provision look like in practice? First, in view of the non-interference norm, it places the onus of responsible provision on both the provider and recipient countries to jointly seek and establish the requisite consensus for the implementation of that responsibility.

let the R2P process take over. See Moe Thuzar and Lex Rieffel, “ASEAN’s Myanmar Dilemma,” *Perspective*, no. 3, 8 January (Singapore: ISEAS Yusof Ishak Institute, 2018).

²⁰ Unless the military is deployed for humanitarian and search-and-rescue missions. Even then, in the wake of the Indian Ocean earthquake and tsunami in December 2004, when the Singapore’s armed forces activated Operation Flying Eagle, its biggest ever deployment of men and materiel to Indonesia and Thailand, involving some 1,500 personnel, three supply ships, twelve helicopters and eight transport aircraft, there were anxious whispers around the region regarding what Singapore, with its force and lift capabilities on full display, could do to its Southeast Asian neighbours if it harboured bellicose intentions. The irony is that, at times, even “altruistic” missions like humanitarian relief and search-and-rescue could end up unintentionally exacerbating security dilemmas and driving security competition between would-be rivals. Tan, *The Responsibility to Protect in Southeast Asia*, 87-88.



Second, it welcomes consensual efforts by the international community and international organisations in assisting the ASEAN Member States to build capacity to care for not only their domestic constituencies but those of their regional counterparts – again, assuming their consent for external assistance is given – as well. Third, should any ASEAN state be unable to provide for its citizens in times of natural disasters – and may for whatever reason be unwilling to allow international actors to do so – it is the collective responsibility of that state and its fellow ASEAN members and regional partners to come to a diplomatic solution, with respect to reasonable security concerns of that state in question, to ensure a humanitarian crisis is averted. Whilst ASEAN countries see utility in the idea of the putative responsibility and accountability of states to both their domestic and external constituencies, social persuasion and peer pressure, rather than outright coercion, serve as the principal means through which provider countries work with prospective recipient countries to reach consensual outcomes.

²¹ Sarah Cook, *Social Protection in East and South East Asia: A Regional Review* (Brighton: Institute

Research Result and Analysis

The embryonic ethic of responsible provision in Southeast Asia this study seeks to map is not necessarily a recent development. As a consequence of Southeast Asians' growing awareness of and shared concern over the rise of transnational challenges facing the region – natural disasters such as devastating tsunamis and cyclones, viral epidemics like the 2003 SARS crisis, economic shocks like the 1997 financial crisis – the ASEAN member countries and their dialogue partners have been developing mechanisms aimed at enhancing their capacities to assist one another and to respond collectively and meaningfully to those challenges. For instance, the Asian financial crisis clarified for the ASEAN states that performance legitimacy, the hallmark of the illiberal governments in Southeast Asia, should be defined not only in terms of their ability to sustain their economic competitiveness, but equally their capacity to provide their populations with adequate social protections in times of crisis.²¹

The financial crisis also underscored the need for regional mechanisms and solutions to ensure that

of Development Studies, University of Sussex, July 2009).



Southeast Asians have the wherewithal to handle their own crises.²² This shared concern led to the creation of the Chiang Mai Initiative, which started out as a network of bilateral currency swap deals that would act as a financial safety net for the region and expanded subsequently into a single multilateral accord with a US\$240 million fund. It also led to the ad-hoc formation of the ASEAN Social Safety Net Task Force aimed at assisting affected states in building capacities and sharing experiences in addressing the social impact of the crisis. Indeed, regional responses to the financial crisis have been seen and understood by East Asians themselves – including the Chinese, who proactively sought to assist their neighbours’ efforts at recovery – in terms of a regional responsibility to provide for one another.²³

Despite the absence of any legal obligation to assist, the ASEAN states have shown an increasing readiness to respond to cross-border humanitarian emergencies and security problems. Back in 1976, ASEAN

issued a declaration on “mutual assistance on natural disasters” but little of consequence came out of it in this area of disaster relief. Elsewhere, much like the Asian financial crisis did, seminal events such as the SARS crisis in 2003 and the Indian Ocean tsunami in 2004 as well as other major non-traditional security challenges all served to catalyse regional attention and action.²⁴ In the case of the tsunami, it led the ASEAN Member States to ratify the ASEAN Agreement on Disaster Management and Emergency Response (AADMER). It was the devastating impact by Cyclone Nargis on Myanmar in 2008 – and the acute tensions that arose from external pressure from an international community seeking to justify humanitarian intervention and the deep distrust that that move evoked in Myanmar’s ruling junta – that eventually paved the way to ASEAN playing a middleman role within a tripartite arrangement comprising the Myanmar government, the UN and ASEAN to facilitate the influx of international assistance for relief and reconstruction to Myanmar.²⁵ “ASEAN really stepped into

²² Worapot Manupitpong, “The ASEAN Surveillance Process and the East Asian Monetary Fund,” *ASEAN Economic Bulletin* 19, no. 1 (2002): 111-22.

²³ Yang Jiang, “Response and responsibility: China in East Asian financial cooperation,” *The Pacific Review* 23, no. 5 (2010): 603-23.

²⁴ Lilianne Fan and Hanna Krebs, *Regional Organisations and Humanitarian Action: The Case of ASEAN*, HPG Working Paper (London: Humanitarian Policy Group, September 2014).

²⁵ “Myanmar: ASEAN SG thanks friends and partners for post-Nargis support,” Association of Southeast Asian Nations, 27 August 2010. Available at:



the breach in the third week of May [2008] and provided a really vital bridge, if you like, between two fairly mistrustful sets of stakeholders,” as Dan Collison of the humanitarian outfit Save the Children in Myanmar acknowledged. “In terms of providing some predictable humanitarian space, it ... worked very well.”²⁶

Specific to the area of humanitarian assistance and disaster relief (HADR), the ASEAN countries have formed the ASEAN Militaries Ready Group to support humanitarian missions, endorsed standard operating procedures for the utilisation of national assets in humanitarian emergencies under the AADMER agreement, and sought ways to enhance the interoperability of the region’s armed forces when executing those missions. Crucial pieces of the regional architecture for HADR – the already mentioned AADMER, the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (better known as the AHA Centre), the Standard Operating

Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations (SASOP), the ASEAN Militaries Ready Group (AMRG) on HADR, the ADMM and ADMM-Plus, as well as national-level assets like the Singapore-based Regional HADR Coordination Centre (RHCC) – have been put in place. Ironically, for a region ill-disposed to engaging in military-to-military transparency, the fact that the SASOP includes provisions such as a template for the roles and terms of reference for both provider countries and recipient countries suggests that regular – but, as per ASEAN convention, non-binding – reportage of one’s military assets for disaster management effectively contributes to a limited version of a regional arms register.²⁷ It remains to be seen how well Southeast Asians can successfully translate their regular conduct of multilateral military exercises into collective coordinated responses to real humanitarian crises.

In this respect, the Rohingya refugee crisis is a glaring indictment of the

<https://reliefweb.int/report/myanmar/myanmar-asean-sg-thanks-friends-and-partners-post-nargis-support>, accessed 18 March 2021.

²⁶ Cited in Katherine Baldwin, “ASEAN finds new purpose with Cyclone Nargis response,” *AlertNet*, 4 May 2009. Available at:

http://www.alertnet.org/db/an_art/55076/2009/04/1-125433-1.htm, accessed on 18 March 2021.

²⁷ Tan, *The Responsibility to Provide in Southeast Asia*, 85. Also see, Tomotaka Shoji, “ASEAN Defence Ministers’ Meeting (ADMM) and ADMM Plus: A Japanese perspective,” *NIDS Journal of Defense and Security* 14 (2013): 9.



region's relative inaction in the face of a major humanitarian problem in its backyard. Although the AHA Centre played a role in delivering assistance to the affected Rakhine region – about 80 tonnes of relief items, according to a November 2017 report by the UN Office for the Coordination of Humanitarian Affairs²⁸ – and a number of ASEAN Member States rendered symbolic gestures of assistance, the Rohingya crisis exposed the long road the ASEAN countries still have to travel in fully actualising the notion of responsible provision – much in the same way countries that back the R2P may have with fully realising the aspiration of responsible protection. In the same vein, although ASEAN's institutional developments in the HADR field imply a growing capacity in ASEAN and its wider regional offshoots like the ADMM-Plus to conduct preventive

diplomacy,²⁹ ASEAN's inadequate response to the Rohingya crisis – further complicated by the COVID-19 pandemic lockdowns and the February 2021 coup³⁰ – serves as an important reminder that even the European Union, with its long-standing experience and success in preventive diplomacy, does not always do the needful as the feeble response by the EU to the Syrian refugee crisis showed.³¹

Another litmus test for ASEAN responsible provision is the grouping's ongoing effort to engage the post-coup military regime in Myanmar. In April 2021, the ASEAN leaders, together with junta chief Min Aung Hlaing, jointly produced a “five-point consensus” that called, *inter alia*, for the immediate cessation of violence, the pursuit of a peaceful resolution by all parties mediated by ASEAN, and the provision of humanitarian assistance through the AHA Centre.³² Criticism of ASEAN's ineffectiveness grew following the junta's continued use of

²⁸ Myanmar: *Humanitarian Bulletin* 3, 23 September – 13 November 2017 (New York: UN Office for the Coordination of Humanitarian Affairs, 2017).

²⁹ See Seng Tan, “Can ASEAN's Institutions Do Preventive Diplomacy?” in *Diplomacy and the Future of World Order*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: Georgetown University Press, 2021), 179-91.

³⁰ See, for example, mention of the Rohingya question in the statements from the ASEAN foreign ministers and leaders' meetings on Myanmar in March and April 2021, respectively, as well as the

ASEAN Chairman's statement of the 38th and 39th Summits.

³¹ Megan Greene and R. Daniel Kelemen. “Europe's failed refugee policy,” *Foreign Affairs*, 28 June 2016. Available at: <https://www.foreignaffairs.com/articles/europe/2016-06-28/europes-failed-refugee-policy>, accessed on 18 March 2021.

³² See, “Chairman's Statement on the ASEAN Leaders' Meeting, 24 April 2021.” Available at: <https://asean.org/wp-content/uploads/Chairmans-Statement-on-ALM-Five-Point-Consensus-24-April-2021-FINAL-a-1.pdf>, accessed on 30 November 2021.



force against civilians in Myanmar. At an emergency foreign ministers' meeting in October 2021, ASEAN rendered the extraordinary decision to allow only a “non-political representative from Myanmar” to the ASEAN Summit later that month – thereby barring the involvement of Min Aung Hlaing.³³ How robust and effective ASEAN's efforts in this respect remains to be seen.

Counter-terrorism cooperation is another area where the ASEAN countries have increasingly demonstrated a readiness towards responsible provision. Prior to the Bali bombings carried out by Jemaah Islamiyah (a local affiliate of Al Qaeda) in October 2002, the ASEAN states adopted a declaration on joint action on counter-terrorism – including an agreement signed by subsets of states to strengthen border controls, establish hotlines, share intelligence and adopt standard procedures for search and rescue – all of which laid the groundwork for the adoption of the ASEAN Convention on Counter Terrorism (ACCT)

³³ Whether such pressure has been effective remains to be seen. See, Moe Thuzar, “ASEAN Snubs the State Administration Council (For Now),” *Fulcrum: Analysis on Southeast Asia*, 19 October 2021. Available at: <https://fulcrum.sg/asean-snubs-the-state-administration-council-for-now/>, accessed on 30 November 2021.

in 2007, which all of the ASEAN states fully ratified by 2013.³⁴ Unusually for a consensus-oriented organisation like ASEAN, the ACCT in fact entered into force in 2011 as it only required ratification by six ASEAN member countries (out of ten) to do so. The ACCT serves as an overarching framework through which the respective and varied counter-terrorism policies of the ASEAN states could be coordinated and region-wide endorsement secured. The ACCT introduced a common definition of terrorism in Southeast Asia and established a shared understanding to exclude the nature of the motive behind the act – be it political, religious or ideological – from criminalisation of terrorism.³⁵

Perhaps nowhere is responsible provision more likely to gain traction than in the ways the ASEAN countries are increasingly collaborating in the post-Marawi context. When local pro-ISIS groups in the Philippines launched a conventional ground war against the Philippine armed forces in Marawi in southern Philippines in 2017, Marawi, referred to by some as “the Mosul of Southeast Asia,” was viewed by

³⁴ Tan, *The Responsibility to Provide in Southeast Asia*, 92.

³⁵ See Seng Tan and Hitoshi Nasu, “ASEAN and the Development of Counter-Terrorism Law and Policy in Southeast Asia,” *UNSW Law Journal* 39, no. 3 (2016): 1220-34.



regional security planners as a game-changer that would militarise counter-terrorism strategy in Southeast Asia, where terrorism has long been treated as a law-and-order issue.³⁶ With the region's militaries strengthening their counter-terrorism capabilities and looking to deepen their collaboration with one another – for instance, the Marawi conflict saw Brunei, Indonesia, Malaysia and Singapore offering military assistance to their imperilled fellow ASEAN member – through new regional intelligence sharing initiatives like the Our Eyes Initiative (ASEAN's version of the Five Eyes Alliance³⁷), defence cooperation in Southeast Asia looks set to expand in ways that would have been thought inconceivable a mere few years ago. To be sure, these developments are by no means easy especially for a region with

a difficult history of rule by the military.³⁸ Even as the ASEAN states brace themselves for a growing role for their militaries in counter-terrorism, the need to mind the consequences such a direction could have for civil liberties at home as well as regional sensitivities abroad cannot be overstated.

Ultimately, in a region mindful of the non-interference principle, the onus in times of emergencies rests with the affected countries themselves to invite the help of international organisations and other countries. However, this logic does not free the others from their obligation to assist.³⁹ Both recipient and provider equally share the responsibility to furnish succour, safety and security to affected populations: the recipient through her grant of consent and invitation; the provider through her contributions of aid, assistance and the like. Nowhere is this more evident than in the framework guiding relations between

³⁶ See Seng Tan, "Sending in the Cavalry: The Growing Militarization of Counterterrorism in Southeast Asia," *PRISM: The Journal of Complex Operations* 7, no. 4 (8 November 2018). Available at: <https://cco.ndu.edu/News/Article/1682045/sending-in-the-cavalry-the-growing-militarization-of-counterterrorism-in-southe/>, accessed on 18 March 2021.

³⁷ The Five Eyes is an intelligence alliance comprising Australia, Canada, New Zealand, the United Kingdom and the United States.

³⁸ Marcus Mietzner (ed), *The Political Resurgence of the Military in Southeast Asia: Conflict and Leadership* (London: Routledge, 2012).

³⁹ Indeed, a prospective provider cannot not respond to the prospective recipient because their very identities are predicated upon conditions of sociality rather than of autonomy. In other words, the fundamental importance of the other to my very being is such that without her and her infinite demand for my hospitality, there can be no "I" or self. As Zlatan Filipovic has suggested, one is a subject only and insofar as one is awakened or "sobered up" to responsibility for the other person. See, Zlatan Filipovic, "Introduction to Emmanuel Levinas: 'After you, sir!'" *Moderna språk* 1 (2011): 58-73.



providers of assistance and recipients of that assistance within ASEAN and the ADMM-Plus. For example, among the terms of reference (TOR) for the ASEAN Militaries Ready Group on HADR, the following principles in that TOR document reflect the spirit of invitation and consent, such as the tenth principle – “The decision to deploy military personnel, assets and other resources shall remain under the prerogative of Assisting State, and *upon the request or consent by the Affected State*” – and the fourteenth principle – “The Affected State shall exercise the overall direction, control, coordination and supervision of assistance within its territory.”⁴⁰ So long as the affected countries give their consent – a consent which provider countries may, if need be, compel through the use of peer pressure and social persuasion.⁴¹ As a foreign minister from the region has allowed, “While ASEAN may work on the principle of

consensus, ASEAN also works on the principle of peer pressure, and peer pressure can be very effective. And it is not easy for an ASEAN member country to take a rigid position when all the other nine countries are in opposition.”⁴² But as ASEAN’s difficult engagement with Myanmar has shown, a responsible provision built around consensus and non-interference principles clearly has its limits. Yet the solution is likely not to be found in the rejection of those principles as such, but in the continued and concerted quest by ASEAN Member States to working flexibly and pragmatically within – and, where necessary, around – those limits.

Conclusion

The path towards an ethos of responsibility to provide in Southeast Asia is neither simple nor straightforward. If anything, nurturing and maintaining the mutual commitment and collective but consensual adherence to responsible provision is hard work indeed. To be sure, there is a strong pragmatic logic behind

⁴⁰ “Terms of reference: ASEAN militaries ready group on humanitarian assistance and disaster relief (AMRG on HADR),” Association of Southeast Asian Nations, 22 April 2016, 2. Available at: <http://mod.gov.la/10thADMM/assets/4.7.1-tor-on-amrg-as-of-20160422.pdf>, accessed on 16 March 2021.

⁴¹ Tan, *The Responsibility to Provide in Southeast Asia*, 53. Also see, See Seng Tan, “Herding cats: The role of persuasion in political change and

continuity in the Association of Southeast Asian Nations (ASEAN),” *International Relations of the Asia-Pacific* 13, no. 2 (2013): 233-65.

⁴² “Remarks by minister for foreign affairs George Yeo and his reply to the supplementary questions in parliament during the committee of supply (CoS) debate,” Singapore Ministry of Foreign Affairs, 3 March 2011. Available at: http://app.mfa.gov.sg/2006/press/view_press.asp?post_id=6820, accessed on 11 March 2021.



these acts of responsible provision. For example, the explanation furnished recently in an assessment of Southeast Asian responses to the COVID-19 pandemic placed the motivation for “responsible regional conduct” squarely on policy pragmatism rather than on ethical grounds.⁴³ In making an argument on behalf of the responsibility to provide, this study does not reject the case for pragmatism. But as the philosopher Hans Jonas once suggested about the significant place of ethics and morality – or their lack – in international affairs, it is not always and only due to cunning reason or realpolitik that states behave badly for such convenient rationalisations leave no room for moral depravity.⁴⁴ Likewise, it may not

always and only be due to pragmatic choices that states engage in what could be regarded as responsible conduct. Nor has the intent here been to insist that Southeast Asian states are fully formed ethical agents and wholly responsible actors. Indeed, the signs that the aspiration on responsibility to provide is being translated into reality are thus far embryonic. But it is something worth cultivating and developing further. According to the ethicist Philip Hallie, “Deeds speak the language of the great virtues far better than words do. Words limp outside the gates of the mystery of compassion for strangers.”⁴⁵ Responsibility is as responsibility does, and Southeast Asia would be the better for it.

⁴³ As Slater has argued, “The main reason is pragmatism. Unprecedented crises demand flexibility. Southeast Asian states will show zero hesitation about increasing state intervention and supporting private businesses to cope with the economic and epidemiological impact of the coronavirus. There will be no hypernationalism and slamming of national borders. Neither the United States nor China will be chucked overboard as external partners to rally political support and distract from internal failings.” Dan Slater, “Southeast Asia’s Grim Resilience: Pragmatism Amid the Pandemic,” *Commentary* (Carnegie Endowment for International Peace), 1 July 2020.

Available at: <https://carnegieendowment.org/2020/07/01/southeast-asia-s-grim-resilience-pragmatism-amid-pandemic-pub-82227>, accessed on 3 March 2021.

⁴⁴ Hans Jonas, “Matter, mind, and creation: Cosmological evidence and cosmogonic speculation,” in *Mortality and Morality: A Search for the Good After Auschwitz*, ed. Lawrence Vogel (Evanston, IL: Northwestern University Press, 1996), 188.

⁴⁵ Philip Hallie, *Lest Innocent Blood Be Shed* (New York: Harper and Row, 1979), 42.



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