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Responsibility to Protect in Southeast Asia: Enlarging Space for Civil Society



Abstract

The concept of Responsibility to Protect (R2P) is relatively new to many Southeast Asians, who have traditionally relied on the state for security and therefore faced a sense of hopelessness when such protection was lacking. While the state represented the only institution ensuring human security for the masses in the past, civil society organisations (CSOs) and non-governmental organisations (NGOs) have today emerged as indispensable non-state actors campaigning for humanitarian interventions in situations where the state has failed in the provision of human security. Indeed, CSOs and NGOs are playing crucial roles in advocating and championing the cause of R2P despite encountering extensive obstacles, which range from an overwhelming sovereignty-conscious mentality, and an exploitation of cultural pretexts such as Asian values on the part of the state for a justification of its apathetic attitude toward R2P, to a lack of awareness among the people about the significance of R2P to their own security.

This paper discusses the roles that CSOs and NGOs play in promoting the R2P concept in Southeast Asia, exploring the nature of such roles and attempting to arrive at policy recommendations for a more efficient operationalisation and implementation of R2P. It also suggests that although CSOs and NGOs have been successful in advocating R2P in the region, problems that could potentially obstruct the functionality of these organisations continue to persist. The roles of CSOs and NGOs in three fundamental areas of R2P are explored: promoting awareness and understanding of R2P; aiding the protection process and strengthening justice; and, knitting alliances with other actors. The policy recommendations proffered highlight the need to consolidate existing networks of CSOs as part of improved capacity building, using available social media networks to make the R2P concept more relevant to Asia, and finally mingling with local communities to raise awareness of the necessity to prioritise human security.

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Biography

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Introduction

The preamble of the recent report by the International Coalition for the Responsibility to Protect (ICRtoP) succinctly describes the role of civil society organisations (CSOs) and non-governmental organisations (NGOs) in the promotion of the concept of the Responsibility to Protect (R2P) as:¹

For almost a decade, civil society actors have served as guiding voices and constructive players in the development of the Responsibility to Protect ("RtoP" or "R2P"), an emerging international norm that can be a powerful tool to prevent and halt the worst crimes known to humankind: genocide, war crimes, ethnic cleansing and crimes against humanity.

Today, civil society continues to play a major role in the effort to advance the new norm and its principles around the world. In partnership with like-minded governments, civil society has successfully advocated for endorsements of RtoP in national, regional and international forums and worked to cement RtoP principles within policies and practices.

NGOs continue to remind governments of the 2005 commitment to protect populations from mass atrocities with calls for action. In many countries, civil society is raising awareness of RtoP among a wide range of actors – from other NGOs and academia to governments and the media – and acting as an indispensable partner in promoting RtoP's relevance and importance.

Such a description, to a large extent, rings true in the Asian context, where over several decades, the role of CSOs has become increasingly prominent – particularly in representing the voices of marginal citizens – in pushing critical agendas and intervening in humanitarian crises when governments have failed to provide security to the people against all kinds of threats. One of these critical agendas has been the protection of people from crimes committed by the state and other actors, from violence as a result of political conflict and from threats that come in the form of natural disasters and epidemics. Under some circumstances, a government may find itself ill-equipped to offer protection to its people; this is when CSOs and NGOs step in to play their part in implementing the R2P principle, as endorsed by the UN. However, these CSOs and NGOs are not functioning unhindered. In Asia, and particularly in Southeast Asia, where the idea of sovereignty and the existence of 'unique political characteristics' have often acted as a barrier to the operationalisation of R2P, CSOs and NGOs continue to struggle to accomplish their objectives. Moreover, the region has witnessed a number of grave events, including the genocide in Cambodia of yesteryears, political violence in East Timor and Myanmar, the continued starvation in North Korea, ethno-religious conflicts in the south of Thailand and China, the Boxing Day tsunami of 2004, and Cyclone Nargis in Myanmar in 2008. Notwithstanding these challenges, regional CSOs and NGOs have come a long way in championing the concept of R2P and there has been progress in the area. One of the many visible achievements in the promotion of R2P by CSOs and NGOs is increased awareness, both at the state level and among the

 $\frac{http://www.responsibilitytoprotect.org/ICRtoP\%20Voices\%20from\%20Civil\%20Society-CORRECTED.pdf}{(accessed 31 December 2011)}.$

¹ International Coalition for the Responsibility to Protect (ICRtoP), *Voices from Civil Society* (New York: ICRtoP, 2011), p. 2, available at

people, of the need for intervention in the event that human rights are violated and human security is put at risk.

This paper seeks to discuss the roles that CSOs and NGOs play in contributing to the promotion of the R2P concept in Southeast Asia, and Asia more broadly. Instead of presenting arguments purely from an academic perspective, the main focus of this paper is on exploring the nature of such roles and to arrive at policy recommendations for the operationalisation and implementation of R2P. In other words, it touches upon the responsibilities that CSOs and NGOs are expected to shoulder when tackling humanitarian issues in the region amid various hurdles. It argues that despite the fact that CSOs and NGOs have been successful in engaging with the state and the people, translating R2P into action, strengthening justice and accountability for crimes against humanity and gathering information or early warning to prevent mass atrocities, certain problems continue to persist that have the potential to obstruct the functionality of these organisations. First, from the viewpoint of the state, preserving sovereignty still remains paramount and non-negotiable, with some governments interpreting outside interference as a threat to their power positions. Second, CSOs and NGOs face common challenges such as low funding, the absence of transparency and insufficient knowledge regarding R2P, which are factors that affect the effectiveness of these organisations. Third, the issue of R2P itself is complex and requires unfailing commitment from all parties involved. Unless the R2P concept is made 'local' and 'accessible' through traditional education as well as by using modern methods of information dissemination, human security and protection of the people's well-being will likely continue to rank low in a country's priority list. CSOs and NGOs could help here by educating the public and making members of the society more familiar with important issues as well as ensuring that these issues are more relevant to their everyday life. Furthermore, they could highlight to the society that people themselves have a part to play in ensuring their own security and that they no longer need to remain passive or wait for the state to come up with initiatives on R2P - the people could instead push forward new agendas regarding R2P and demand the state's support or assistance in the process. Using the various social media networks may be an effective means to this end.

Acknowledging Local Realities

It is imperative at this stage to briefly review the prevailing political and cultural norms in the region in order to understand the levels of support that the emerging R2P concept enjoys and also the success of CSOs and NGOs in promoting R2P. In many ways, Asia, and particularly Southeast Asia, is not unique in that it too possesses some of the political characteristics that can be regarded as incompatible with democratic principles, even as most states embrace democracy as the preferred form of governance. The state's view of sovereignty is a challenge that could impede the operationalisation and implementation of R2P for CSOs and NGOs. Sovereignty is defined in various ways, and states choose to adopt definitions that are favourable to their power interests and the longevity of their regime. Sovereignty, according to Hinsley, is the idea that there is a final and absolute political authority in the political community and that no final and absolute authority exists elsewhere. Again, Tan points out that Westphalian sovereignty treats states as not only de jure independent but de facto autonomous. Therefore, when the ostensible autonomy of a state is perceived as being eroded as a consequence of globalisation pressures, leading to contentions regarding the 'retreat' or imminent 'demise' of the state, this should not be

² F. H. Hinsley, *Sovereignty*, 2nd ed (Cambridge: Cambridge University Press, 1986), p. 26.

interpreted in terms of the erosion of sovereignty precisely for the above-stated reason – sovereignty is absolute and not relative since an entity cannot be more or less sovereign.³

In Southeast Asia, while the notion of sovereignty has been defined and redefined in response to domestic political situations as much as the shifting regional and international environment, it continues to serve one primary purpose – the maintenance of state power. All Southeast Asian states, with the exception of Thailand, were colonised by Western powers and experienced different intensities of trauma that has been forever used as a shield against foreign intervention since the post-colonial period. Blanket opposition to foreign intervention under the pretext of the need to safeguard sovereignty is favoured for a number of reasons. Certainly, it allows leaders at home to exercise political power and authority with minimal constraints. It also reinforces the belief that sovereignty must be inviolable and that the people must be willing to defend it even if they have to sacrifice their lives. As sovereignty is exploited to strengthen a political regime, its consequences could prove devastating if, in the process, the people's well-being is jeopardised. For example, when human rights are violated, especially at the hand of the state, humanitarian intervention is absolutely necessary. Predictably, the government rejects all kinds of foreign intervention even in this scenario, with sovereignty being conveniently used as a cloak that justifies the government's decisions.

Culture has an equally significant role to play when it comes to the implementation of R2P. Throughout the 1990s, there was much talk about the success of Asian economies thanks to, supposedly, a particular brand of Asian values. But, exactly what constitute Asian values has never been clearly defined. From a critical point of view, it is generally argued that Asian values came into being to legitimise authoritarian regimes in Asia that were predicated on the belief in the existence within Asian countries of a unique set of institutions and political ideologies which reflected the region's culture and history. On this basis, Asian values are often critically described as being less supportive of freedom and more concerned with order and discipline, and that the claims of human rights in the areas of political and civil liberties, therefore, are less relevant and less appropriate in Asia than in the West.⁴ In 1997, Amartya Sen explained the relationship between culture and human rights as:⁵

Since the conception of human rights transcends local legislation and the citizenship of the individual, the support for human rights can come from anyone — whether or not she is a citizen of the same country as the individual whose rights are threatened. A foreigner does not need the permission of a repressive government to try to help a person whose liberties are being violated. Indeed, insofar as human rights are seen as rights that any person has as a human being (and not as a citizen of any particular country), the reach of the corresponding duties can also include any human being (irrespective of citizenship).

³ Tan See Seng, 'Whither Sovereignty in Southeast Asia Today?', in Trudy Jacobsen, Charles Sampford and Ramesh Thakur (eds), *Re-Envisioning Sovereignty: The End of Westphalia?* (Hampshire: Ashgate Publishing Limited, 2008), p. 84. Also see Marc Williams, 'Rethinking Sovereignty', in Eleonore Kofman and Gillian Youngs (eds), *Globalisation: Theory and Practice* (London: Frances Pinter, 1996), p. 112.

⁴ W. M. Theodore De Bary, *Asian Values and Human Rights: A Confucian Communitarian Perspective* (Cambridge: Harvard University Press, 1998).

⁵ Amartya Sen, 'Human Rights and Asian Values', *The New Republic*, 14–21 July 1997, available at http://www.mtholyoke.edu/acad/intrel/sen.htm (accessed 7 January 2012).

This basic recognition does not suggest, of course, that everyone must intervene constantly in protecting and helping others. That may be both ineffective and unsettling. There is no escape from the need to employ practical reason in this field, any more than in any other field of human action. Ubiquitous interventionism is not particularly fruitful or attractive within a given nation, nor is it across national boundaries. There is no obligation to roam the four corners of the earth in search of liberties to protect. My claim is only that the barriers of nationality and citizenship do not preclude people from taking legitimate interest in the rights of others and even from assuming some duties related to them. The moral and political examination that is central to determining how one should act applies across national boundaries, and not merely within them.

Indeed, certain aspects of culture have been instrumental in protecting the state's sovereignty rather than for protecting the security of the population. Therefore, discussing the role of culture is fundamental to understanding the obstacles facing CSOs and NGOs in their campaign to raise awareness on R2P. Here, one question that begs to be asked is: how do some Asian cultures help legitimise the state's indifferent response to R2P, or in some cases, its repressive policies and actions against its own people? Chin-Dahler's elaboration of the role of culture in promoting or violating human rights may provide an answer to this question. 6 He uses the term 'cultural relativism' to explain this phenomenon and argues that cultural relativism is a position where local cultural traditions (religious, political and legal practices included) properly determine the existence and scope of civil and political rights enjoyed by individuals in a given society. It is premised on the idea that all cultures are equally valid and that standards of evaluation are internal to traditions. It sees that values emerge in the context of particular social, cultural, economic and political conditions and therefore vary enormously between different communities. Without a doubt, the language of cultural relativism has often been exploited by various state leaders and high officials to justify and rationalise repressive policies despite such policies having no philosophical or cultural justification. The paradox of cultural relativism lies in the fact that although participation is necessary to understand the values that are legitimate within a society, the rhetoric associated with cultural relativism helps to effectively hinder any participation or freedom of thought within the given society. This lies at the heart of the problem of effectively implementing universal human rights, particularly in the Asian context.' The attempt on the part of the state to explain the need to adhere so closely to national culture, in order to justify some of its policies that could negatively affect human security, has emerged as a main obstacle to the advocacy of R2P for CSOs and NGOs in Asia.

Thus, the purpose of discussing the importance of political and cultural characteristics is to highlight the following points in the context of R2P. First, that the supremacist position of sovereignty has effectively influenced states to avoid interfering in others' domestic affairs. The norm of non-interference has indeed been a trademark of the ASEAN organisation since its inception in 1967. One reason behind the reluctance to interfere in its neighbours' affairs was that most, if not all, governments of ASEAN were at varying degrees vulnerable in terms of the lack of serious commitment to democratisation and their promotion of human rights.

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⁶ Patrick Chin-Dahler, 'Universal Human Rights, Cultural Relativism and the Asian Values Debate', *East Asia Forum*, 9 October 2010, available at http://www.eastasiaforum.org/2010/10/09/universal-human-rights-cultural-relativism-and-the-asian-values-debate/ (accessed 29 March 2012).

⁷ Ibid.

Therefore, they chose not to intervene in other member states, on a quid pro quo principle, so as to prevent themselves from being scrutinised. Second, this non-interference principle has become much watered down over the years mainly because ASEAN has been keen to show the world its maturity as a regional organisation, its willingness to confront issues such as political violence and natural disasters, and thus its support for R2P. Also, with some incidents involving gross human rights violations creating immense impacts beyond national borders, the spillover effects prompted some countries to put aside the principle of noninterference as they reached out in search of solutions to the crises taking place in their neighbourhoods. Morada suggests that ASEAN must start examining and agreeing to adopt the principle of a 'responsibility to discuss issues' that affect the group without having the threat of any leader of a member state walking out of a summit meeting if their sensitivities are offended by the topic. 8 Third, the state's emphasis on building an obedient or disciplined society, presumably in accordance with Asian values, has as a consequence institutionalised a top-down style of governance which has left little room for democratic activities. At the same time, as the policy focus has been on consolidating the regime, instead of empowering the grassroots, issues like human security or the protection of the people's basic rights are, in this highly hierarchical system, often neglected. Under this condition, CSOs and NGOs find it difficult to operate and implement R2P. The wall of political culture that has not yet fully opened itself up to permit Southeast Asia to embrace the relatively new concept of R2P manifests as one of the most strenuous challenges for CSOs and NGOs.

R2P in Southeast Asia

Lee asserts that the concept of civil society has all the characteristics of an essentially contested concept, and that, as such, despite numerous discussions and publications on the concept, no universally agreed-upon definition of civil society is likely to prevail, probably ever. In Southeast Asia, ambiguities in both the theory and practice of civil society are invariably generated by the varied and contested meanings of the concept within the Western tradition itself. Moreover, the diverse histories, ethnicities, religious and cultural mixes, and the differences in economy and political regimes have readily layered on ever more elusiveness in the search for a definition of civil society that is pertinent to Asia. This study adopts a loose definition of civil society as an associational space located between the private and public spheres. Characteristically, CSOs contest or collaborate with governments in the political space that exists between the formal political system and the public; they may work with governments seeking to influence policy through existing institutions or may seek to achieve their ends by more confrontational, extra-constitutional means. As discussed earlier, the top-down nature of politics in many countries in this region is an impediment to the functionality of CSOs. However, with changes in the international environment and the arrival of the globalisation force in the post-Cold War period, states were compelled to gradually open up their national borders. Regionalism, which was given a new lease of life, became fashionable once again, and the fear of incidents that could cause damaging transnational impacts began to prevail at the back of leaders' minds. This was perhaps why, for example, Thailand, under the government of Chuan Leekpai (1997-2001), initiated a policy of Flexible Engagement between the central government and various ethnic minorities

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⁸ In Noel M. Morada's interview with Eric Teo of the Singapore Institute of International Affairs (SIIA) on 18 February 2005 at Jakarta. See Noel M. Morada, 'R2P Roadmap in Southeast Asia: Challenges and Prospects', *UNISCI Discussion Papers*, 11 (May), 2006, p. 62.

⁹ Lee Hock Kuan, 'Civil Society in Southeast Asia', in Lee Hock Kuan (ed.), *Civil Society in Southeast Asia* (Singapore: Institute of Southeast Asian Studies [ISEAS], 2004), pp. 1–2.

living along the Thai-Myanmar border that allowed the country to voice concerns over the growing political violence in Myanmar, which had already affected the livelihood of Thais living in the border zone. However, the Flexible Engagement policy, which was launched just two years before the introduction of the R2P concept in 2001 by the International Commission on Intervention and State Sovereignty (ICISS) in its R2P Report, was subsequently perceived with suspicion by some ASEAN states on the grounds that it breached the organisation's sacred principle of non-interference. Meanwhile, the R2P concept's announcement gave CSOs the opportunity to further promote the R2P concept to the public and to educate the political elite about the necessity for humanitarian intervention. The re-emergence of CSOs during this period powerfully eroded the traditional pattern of state-society interactions. Presently, CSOs have come to negotiate benefits on behalf of the society, representing the voices of marginal people as well as raising awareness of issues of immense importance such as R2P.

The notion of R2P is rather new in the political discourse and consciousness of Southeast Asians. As the R2P initiative was initially and largely driven by atrocities in Africa and Europe, particularly Rwanda, Bosnia, and Srebrenica, the concept remained mostly 'alien' to Southeast Asian states. For the longest time, because political leaders largely dominated political life, people in the region relied on the state for protection against threats, both internal and external. In some instances, people even became the victims of political violence instigated by the regime of the day, for example, during the genocide in Cambodia; the state's violent crackdowns on pro-democracy demonstrators in Thailand (in 1973, 1976, 1992 and 2011) and Myanmar (in 1988 and 2007); the state's social and economic suppression of the people, as in North Korea; and, crimes against West Papuans by the Indonesian army. The victims were forced to either find their own solutions or remain subservient to the state. This lack of attention accorded to the need to advocate human security in Southeast Asia may also be why mass atrocities were tolerated in the region.

The human rights situation in Southeast Asia has certainly improved since the introduction of R2P into the international political discourse at the beginning of the new millennium in 2001, which also coincided with the emergence of non-traditional security (NTS) threats such as natural disasters that called for an immediate implementation of R2P. Cook and Gong state that in 2005, the R2P was incorporated into paragraphs 138 and 139 of the Outcome Document of the UN World Summit and later reinforced by the UN Security Council Resolution 1674 in 2006. In 2009, in the report Implementing the Responsibility to Protect presented to the General Assembly by UN Secretary-General Ban Ki-Moon, a strategy to advance the norm into three pillars was outlined as: 'pillar one: the protection responsibilities of the state; pillar two: international assistance and capacity building; and pillar three: timely

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¹⁰ Foreign Minister Surin Pitsuwan was known to have been behind the crafting of the Flexible Engagement policy. See Pavin Chachavalpongpun, *Reinventing Thailand: Thaksin and His Foreign Policy* (Singapore: Institute of Southeast Asian Studies [ISEAS], 2010), p. 298.

¹¹ For more information, see International Commission on Intervention and State Sovereignty (ICISS), 'The Responsibility to Protect', December 2001, Report of the International Commission on Intervention and State Sovereignty (Ottawa: International Development Research Centre, 2001), available at http://responsibilitytoprotect.org/ICISS%20Report.pdf (accessed 31 May 2012).

¹² Charlie Hill-Smith, 'It's Sheer Bloody Murder, Right on our Doorstep', *The Age*, 8 January 2012, available at http://www.theage.com.au/opinion/politics/its-sheer-bloody-murder-right-on-our-doorstep-20120107-1ppd2.html (accessed 8 January 2012).

¹³ Alistair D. B. Cook and Lina Gong, 'Cambodia's Legacy and the Responsibility to Protect in Asia', *Peace Review: A Journal of Social Justice* 23(4), 2011, p. 448.

and decisive response.'¹⁴ However, Cook and Gong emphasise that, 'At the regional level, the degree of acceptance of R2P varies. Despite their support for the R2P in principle, many Asian states hold traditional understandings of state sovereignty. It is therefore of great importance to promote awareness and understanding of the relevance and application R2P has in Asia.'¹⁵

There is much possibility in the Southeast Asian region for the promotion of R2P and for CSOs and NGOs to take the initiative in this arena. For example, CSOs, NGOs, local academic institutions and think tanks could work closely with ASEAN governments through regional mechanisms such as the ASEAN Regional Forum (ARF). Similarly, through a multipronged approach, CSOs and NGOs could also cooperate on R2P with parliaments and the military in ASEAN countries while encouraging them to protect their populations. This paper will in the following section discuss further this aspect of the implementation of R2P.

Current Roles of CSOs and NGOs

A number of leading CSOs and NGOs in Asia – having learned to appreciate the diversity in the region's historical backgrounds as well as the differences in the political systems and levels of socioeconomic development in the member countries – are now working actively in the area of R2P advocacy. However, promoting R2P has proven to be an arduous task, especially when rebuilding a new culture in which society must be ready to open itself to rethink sovereignty and strive for a greater understanding of R2P. The key is to transform the Asian public into one that is informed and enthusiastic to engage in debates on how best to promote the R2P principles. The following subsections elaborate on the current roles of CSOs and NGOs in contributing to the operationalisation and implementation of R2P.

Promoting awareness and understanding of R2P

Undoubtedly, awareness efforts are a fundamental aspect of R2P, and CSOs and NGOs raise awareness and promote a better understanding of these principles. The aim is to ensure that issues related to human security are made relevant as part of reminding the public of the state's obligations to R2P. Educating the public about its right to be protected by the state is essential as this would assist in developing a new people-centric norm that places a special emphasis on the growing acceptability of human security in national and regional security discourses. In fact, it is already being widely accepted by ASEAN leaders that some traditional security problems such as armed conflicts between two member states, as was recently witnessed between Thailand and Cambodia, engender devastating consequences for people on both sides of the border. ¹⁶

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ As Thitinan Pongsudhirak puts it, 'At issue in the ongoing bilateral spat is the contested 4.6 square kilometres that adjoin a millennium-old Hindu temple known as Preah Vihear to Cambodians and Phra Viharn to Thais. Phnom Penh insists the disputed land has been under Cambodia's territorial sovereignty since the International Court of Justice's (ICJ) landmark case in 1962. In its 9:3 verdict, the ICJ ruled that Cambodia's map, drawn up by French surveyors during 1904–07, put the temple area in Cambodia, and Thailand (Siam, until 1939) had not shown discernible objections previously.' See Thitinan Pongsudhirak, 'Domestic Determinants of the Thai-Cambodian Dispute', *East Asia Forum*, 18 May 2011, available at

http://www.eastasiaforum.org/2011/05/18/domestic-determinants-of-the-thai-cambodian-dispute/ (accessed 7 January 2012).

In fulfilling the mission of empowering the public with knowledge on R2P, CSOs and NGOs create basic education tools by using contemporary channels, social media, audio-visual presentations, people-to-people training techniques, talking points, brochures and other documentations, much like those distributed by the ICRtoP. While some CSOs and NGOs frequently compose commentaries and articles advocating R2P that appear in the regional and international media, others have engaged in setting up institutions that serve as hubs of information on R2P. There are even plans to establish an Eminent Persons Group (EPG) for R2P in the region for both advocacy and information gathering. CSOs and NGOs also provide information and lend know-how on good practices with regard to R2P to the government sector. Governments are able to draw insights from the activities of CSOs, particularly in developing principles, that delve into the preventive dimensions of R2P. However, in the Southeast Asian context, Morada notes that while government officials and military officers may be open to studying the R2P norms and principles further, there remains still a strong resistance to the idea of humanitarian intervention even as a last resort, especially if the humanitarian crisis is within their own country or within the region. 1 For instance, the Myanmar government's initial rejection of foreign intervention in the aftermath of Cyclone Nargis was partly due to a lack of awareness of how R2P could actually lessen the intensity of the natural disaster.

Some CSOs and NGOs concentrate their activities on assisting local communities to enhance their resilience to mass atrocities. Measures include peace-building activities that defuse communal tensions, drafting contingency plans for communities at risk of genocide or mass atrocities through developing inter-village early warning strategies and emergency evacuation plans as well as communicating local insight and knowledge pertaining to their own assessment of vulnerabilities and capacities that may inform best practices for civilian protection. A recent study by Oxfam International on past mass atrocities in Cambodia is a good example of such initiatives.¹⁸

Aiding the protection process and strengthening justice

CSOs and NGOs are the driving forces behind the operationalisation and implementation of the three pillars of R2P: (1) the responsibility of the state to protect its own population from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement; (2) the commitment of the international community to assist states in meeting these obligations; and (3) the responsibility of Member States of the UN to respond in a timely and decisive manner, in accordance with the UN Charter, when a state is manifestly failing to provide such protection.¹⁹

Implementation is normally carried out through installing preventive measures that address not only the structural and long-term causes of mass violence but also its immediate sources; instituting capacity-building to prevent, react to and rebuild after mass atrocities; and, organising peace-building activities before and after violence. To elaborate further,

¹⁷ Morada, 'R2P Roadmap in Southeast Asia: Challenges and Prospects'.

¹⁸ Oxfam Australia recently published the outcome document for the 'Early Warning for Protection: Technologies and Practice for the Prevention of Mass Atrocity Crimes Conference' held in November 2010 in Phnom Penh, Cambodia. The conference was part of a larger project examining the practical implementation of the preventative aspects of the R2P principle.

¹⁹ International Coalition for the Responsibility to Protect (ICRtoP), 'An Introduction to the Responsibility to Protect', available at http://www.responsibilitytoprotect.org/index.php/about-rtop (accessed 18 May 2012).

CSOs and NGOs tend to take roles in three identifiable areas. First, their ability and efficiency in the provision of risk assessments and early warning of impending mass atrocities are central to the ending of these crimes. CSOs and NGOs are involved in this sphere work with both national and international monitoring agencies in order to supply timely and accurate information, assessment and evaluation of current conflicts as well as potential and nascent conflicts. Similarly, in the event of a natural disaster being anticipated, CSOs and NGOs will have to be able to systematically capture, track and consolidate vulnerability information, conduct risk assessments using hazard data from several sources and discuss some of the real operational challenges among themselves and with the state. New technologies have been used to enhance the capacity of CSOs and NGOs in this regard, such as the Geographic Information System (GIS), which is a real-time communication device used for forewarning a population of imminent atrocities or possible natural disaster. 20 Second, reliable conflict analysis and reporting is undoubtedly essential for the implementation of R2P. CSOs and NGOs are expected to produce well-timed and comprehensive conflict analysis and reporting so that these can be used in their campaigns for the prevention and warning of mass atrocities. Representatives of CSOs and NGOs may get the chance to monitor situations on the ground and, in such cases, they may be able to draw attention to the severity of the conflict and report mass atrocities immediately to international humanitarian and human rights bodies so that necessary measures are launched rapidly. And, third, CSOs and NGOs sometimes play the role of mediators in emerging and ongoing conflicts. The Initiative for Peacebuilding (IfP) indicated in a report that the ASEAN civil society should be involved in conflict prevention initiatives in the region,²¹ as many civil society groups have more extensive experience in this arena than their governments and may have strong networks among themselves by now. As it happens, there is an established network of experts who are respected in the region and could act as facilitators in dialogues and peace negotiations throughout ASEAN.²²

Having a neutral and apolitical position is a quality fundamental to the success and effectiveness of CSOs and NGOs in mediation efforts. For instance, the Documentation Center of Cambodia (DC-Cam), an international NGO, gained the trust of both the Cambodian government and the relatives of victims of the genocide committed by the Khmer Rouge regime (1975–1979) while working to promote human security in Cambodia through transitional justice, ²³ and CSOs and NGOs have to the present day continued to help mediate between the government and the public following the founding of the Extraordinary Chambers in the Courts of Cambodia (ECCC) trials in 2003 to bring justice to the victims of the Cambodian genocide. The activities of CSOs and NGOs have included public outreach,

²⁰ For more details, see International Coalition for the Responsibility to Protect (ICRtoP), *Voices from Civil Society*, p. 22, available at

http://www.responsibilitytoprotect.org/ICRtoP%20Voices%20from%20Civil%20Society-CORRECTED.pdf (accessed 18 May 2012).

⁽accessed 18 May 2012).

²¹ Agus Wandi, *Building ASEAN Capacity for Conflict Mediation*, IFP Mediation Cluster, December 2010 (Brussels: Initiative for Peacebuilding [IfP], Crisis Management Initiative [CMI], 2010), p. 9, available at http://www.initiativeforpeacebuilding.eu/pdf/0111AgusWandi.pdf (accessed 30 March 2012).

²² Ibid, p. 9.

²³ Alistair D. B. Cook, Lina Gong and Manpavan Kaur, 'Exercising the Responsibility to Assist: The Roles of the International Community and Cambodian Civil Society', *NTS Alert* October (2), 2011, p. 4. Also see, Mneesha Ilanya Gelleman, 'Powerful Cultures: Indigenous and Western Conflict Resolution Processes in Cambodian Peacebuilding', *Journal of Peace Conflict & Development*, 11 (November), 2007, p. 26, available at http://www.peacestudiesjournal.org.uk/dl/PCD%20Issue%2011 Article Powerful%20Cultures Mneesha%20Il anya%20Gellman.PDF (accessed 18 May 2012).

legal advisory service, psychological consultations, reporting on the trial process, disseminating information on the trials and facilitating public participation, helping victims to submit applications and educating them about their rights, encouraging individuals to come forward as witnesses and civil parties in the trials, training citizens to disseminate information on ECCC procedures, enhancing the understanding of witness protection and fair trial principles, increasing the awareness of the history of the Khmer Rouge among village communities, publishing a textbook and training thousands of teachers across the country about the horrific past so that future mass atrocities might never occur. Furthermore, CSOs and NGOs often provide services in areas that are not usually addressed by other actors, and in particular by the government.²⁴ Therefore, it is crucial that civil society groups are brought on board and lessons learnt from their experiences as the ASEAN conflict mediation agency is being formed and that the wisdom of the handful of respected actors in countries across the region who have worked on peace mediation be harnessed and replicated.

Knitting alliances with other actors

Creating networks of like-minded and passionate advocates and organisations is another objective of the CSOs and NGOs advocating R2P principles. Broad-based national and regional coalitions are vital for forging the political will needed to prevent, react to and rebuild after mass atrocities. In partnership with think tanks, academic institutions and government agencies, CSOs and NGOs take the central stage in raising awareness about these principles and in mainstreaming the prevention of mass atrocities. CSOs and NGOs appear to have endorsed a bottom-up approach in the promotion of R2P, as opposed to the top-down political order that is entrenched in Southeast Asia. Once again, Morada suggests that CSOs and NGOs could begin with 'building constituencies' at the local, national and regional levels as part of weaving networks for R2P advocacy. ²⁵ Here, it is vital that the operationalisation of R2P at such different levels be tailor-made, taking into account the nature and dynamics of conflicts within the given countries.

Firstly, at the local level, CSOs and NGOs have already embarked on promoting the awareness and understanding of R2P through local schools and training programmes designed for government officials in villages and among local populations. For example, Wongphan reports that NGOs working in the deep south of Thailand recognise the importance of creating spaces for local people to voice their opinions and take part in activities and that, for peace in the region, it was important that the people felt that they were in control of their own destinies. Wongphan was referring to the ethno-religious conflicts in the south of Thailand, which have resurfaced since 2004. This approach highlights the need to recreate the culture of non-violence for resolving conflicts and peace building. Secondly, at the national level, CSOs and NGOs have cooperated with the government as well as coordinated with other educational institutions, think tanks, universities and research houses in order to find a common understanding of R2P, exchange views and information as well as good practices on conflict prevention, promoting empirically based policy research, and for ensuring that the outcome of academic studies on R2P are submitted to the government. As

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²⁴ Cook, Gong and Kaur, 'Exercising the Responsibility to Assist: The Roles of the International Community and Cambodian Civil Society'.

²⁵ Morada, 'R2P Roadmap in Southeast Asia: Challenges and Prospects', pp. 66–7.

²⁶ Kokaew Wongphan, 'Creating Sustainable Peace in South Thailand', *Insight on Conflict*, 2 February 2010, available at http://www.insightonconflict.org/2010/02/creating-sustainable-peace-in-south-thailand/ (accessed 3 January 2012).

Morada suggests, 'Working Groups (WGs) could be set up to study R2P principles and how these could be implemented in Southeast Asia. In fact, the creation of WGs has been the main mechanism adopted by various ASEAN and Northeast Asian think-tank networks to study ideas, norms, and principles. Through these WGs, the acceptability of ideas is negotiated with particular consideration for the diverse historical and cultural context of the region. The creation of R2P WGs in Southeast Asia is therefore a crucial link to creating a constituent base in the official track.'²⁷

Lastly, at the regional level, a plan to establish an R2P EPG has been put in place, in parallel with the establishment of R2P WGs at the national level, although the former has not seen much progress in the past years. The R2P EPG is eventually expected to serve as a forum where leading advocates and eminent persons who support R2P principles will exchange their views with an aspiration to set some kind of a model for conflict prevention, humanitarian intervention and post-conflict rehabilitation. It is likely that, in the future, there will be scope for an ASEAN role in R2P implementation, in keeping with ASEAN's evolving practice as well as its blueprints for future development. The ASEAN Political-Security Community (APSC) Blueprint, for example, contains several objectives that dovetail with the R2P agenda. Directing these activities toward an R2P focus, however, may require a flexible interpretation of particular words and concepts, and the most promising means for advancing the R2P agenda may be to focus on implementation in 'bits and pieces' rather than R2P as an inseparable collection of initiatives.

At present, there are large intricate networks connecting the different CSOs and NGOs in the region, which despite specialising in different areas of R2P share the same goals of preventing crimes against humanity and mass atrocities. The New York-based ICRtoP is one such network that links CSOs and NGOs in Asia with those in other regions. In the Asia-Pacific, two CSOs are participating with the ICRtoP, namely, the Initiatives for International Dialogue (IID; Davao city, the Philippines) and Oxfam International (Australian office). Likewise, institutions such as the Asia-Pacific Centre for the Responsibility to Protect (APCR2P) in Australia have also increased their activities with similar institutions and CSOs elsewhere in Asia.

Workshops on R2P are organised regularly in Asia, with ten meetings revolving around R2P being held in various locations in 2011 alone. These include the Dag Hammarskjöld Symposium in Beijing in December; the R2P Regional Consultation Meeting on the Evidentiary Standard Project, and the Seminar on R2P and the Libyan Crisis in Cambodia in September; the R2P Scoping Meeting with Academic, Think-Tank and Non-Government Institutions in Vietnam, the R2P Seminar for Government Sector in the Philippines, and the Forum on Post-Conflict Recovery and Reconstruction in the Philippines in June; the R2P Cross-Sector Workshop in Mongolia and the Policy Briefing and Roundtable by the Chinese Institute for International Studies in Beijing in May; and, the R2P Training Seminar at the 2nd National Conference of Muslim Women Peace Advocates in the Philippines in February.

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²⁷ Morada, 'R2P Roadmap in Southeast Asia: Challenges and Prospects', p. 67.

²⁸ See, CSCAP Study Group on the Responsibility to Protect (R2P), Final Report of the First Meeting, 26–27 February 2010 in Jakarta, Indonesia, available at http://www.cscap.org/uploads/docs/RtoP/1RtoPReport.pdf (accessed 30 March 2012).

These meetings are proof that CSOs and NGOs have been working actively to promote the awareness and understanding of R2P in the region. They have organised numerous workshops and used the outcomes of these workshops to educate and, more importantly, engage with the local communities as well as the government. These non-government actors have emerged as R2P champions in their own right through such alliances in the region, as unlike the government, which is sometimes constrained by politics at home, CSOs and NGOs operate more or less free of political and social agendas and are therefore in a better position to serve as potential advocates. Additionally, in advocating R2P principles, CSOs and NGOs have shown willingness to share their knowledge of the need to protect the populations from internal and external threats with the public at large. Indeed, Asia is transforming into a new learning zone for those who are interested in R2P issues.

Critical Hurdles

The fundamental hurdle that CSOs and NGOs face in the operationalisation and implementation of R2P is the persistent state-centric view of sovereignty. Sovereignty has remained a powerful tool that the political elite has used frequently to thwart foreign intervention. In some cases, sovereignty has even been exploited along with nationalism for what was ultimately merely the protection of certain political interests of the leaders themselves. Abhisit Vejjajiva of Thailand, for instance, repeatedly rejected ASEAN's offer to help mediate efforts to end armed conflict with Cambodia, although it caused many deaths and casualties on both sides. Vejjajiva claimed then that ASEAN's mediation was a breach of Thai sovereignty – a position endorsed by the Thai army.²⁹ As cases of lèse-majesté – crime of violating majesty - have continued to multiply in Thailand, Western governments and international organisations have begun to seriously question the misuse of law for political purposes. However, Thai royalists in response have condemned the criticism of the outside world, calling this an act of interference in the nation's affairs and an intrusion of sovereignty. This mindset has run contrary to another aspiration of the state, which is to promote regionalism in the context of ASEAN. The conflict between these two aspirations has led to the slow development of ASEAN as an organisation. Today, most ASEAN states have agreed that for the sake of organisational achievement, the sacrosanct notion of sovereignty has to be toned down, particularly as ASEAN has set community-building targets by the year 2015. In reality, however, the surrender of some sovereign rights remains elusive; it will take time. During this transformational process, CSOs and NGOs will have to continue to raise the awareness of R2P. They will also continue to work in difficult circumstances since democratic space is not entirely widely open. While some states in Southeast Asia, notably Indonesia and the Philippines, have seen successes in their democratic reforms, others, including Thailand, have moved backwards. An open society with a greater degree of democracy would lead to more opportunities for dialogue on humanitarian concerns between governments and CSOs and NGOs. Consultations between the two parties have been held more frequently in states such as Malaysia and Singapore

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²⁹ 'Border Issues Affect ASEAN Credibility: Leaders of Thailand, Cambodia', *Xinhua*, 7 May 2011, available at http://news.xinhuanet.com/english2010/world/2011-05/07/c_13863930.htm (accessed 30 December 2011).

³⁰ Daniel Schearf, 'Thai Royalists Protest against US, UN "Interference", *Voice of America*, 16 December 2011, available at http://www.voanews.com/english/news/asia/southeast/Thai-Royalists-Protest-Against-US-UN-Interference-135727853.html (accessed 18 December 2011).

where the space for CSOs and NGOs has been widened.³¹ This presents an opportunity for all parties to increasingly focus on previously neglected issues such as human security.

Next, it appears that some of the critical actors – not just the government or local communities but also a number of CSOs and NGOs – are themselves still not well informed about the true meaning of R2P simply because they have not read thoroughly and/or attempted to fully understand basic R2P documentation and the UN Report on A More Secure World: Our Shared Responsibility, 32 which adopted some of the R2P principles. This is a common problem faced in ASEAN meetings as discussions of R2P fail to produce fruitful outcomes simply due to a lack of in-depth knowledge on the issue. It is advisable that all R2P documents be translated into all ASEAN local languages to allow maximum access on the part of state agencies, the public as well as CSOs and NGOs.

Finally, as a recent report launched by the Friedrich-Ebert-Stiftung (FES) that presented a regional overview of CSOs and their challenges indicated, CSOs propagating the R2P campaign face a myriad of obstacles, including the unstable relationship between state and civil society, the lack of legal personality among the CSOs in some ASEAN countries (Vietnam being an example), the existence of politicised CSOs and NGOs, the inability to gather information on CSOs (since some are not registered with the state), the struggle to secure skilled staff, funding and membership, and the question of transparency in the operationalisation of CSOs and NGOs. ³⁴ R2P has long been a sensitive issue for governments in particular – due to its inherent challenge to the legitimacy of the regime of the day – and has therefore been perceived with wariness by the political elite. For CSOs working to propagate the R2P principles, the risk of being eliminated or targeted can thus occasionally be too high. The FES report brings to light this important reality regarding CSOs in Southeast Asia – that CSOs that sometimes operate in opposition to the government's interests or even in an authoritarian atmosphere can occasionally be placed in jeopardy of being prosecuted or even be forced to cease to exist.

Policy Recommendations

Taking into consideration the sociopolitical nature of Southeast Asia as well as the current roles of CSOs and NGOs and their difficulties in promoting the R2P norm in the region, the final section of the paper presents a set of policy recommendations that could aid in the operationalisation and implementation of R2P.

³¹ Simon S. C. Tay, Zulkifli Baharudin and Cherian George, 'Role of Civil Service in Civil Society', *The Straits Times*, 17 February 2000, available at http://www.thinkcentre.org/article.cfm?ArticleID=38 (accessed 18 December 2011).

³² For more information, see United Nations (UN), 'A More Secure World: Our Shared Responsibility', Report of the High-Level Panel on Threats, Challenges and Change (New York: United Nations Department of Public Information, 2004), available at http://www.un.org/secureworld/report2.pdf (accessed 31 May 2012).

³³ Morada, 'R2P Roadmap in Southeast Asia: Challenges and Prospects', p. 65.

³⁴ For an elaborate discussion on the FES report, see, Terence Chong, 'Civil Society Engagement in ASEAN', in *Regional Outlook: Southeast Asia 2012–2013* (Singapore: Institute of Southeast Asian Studies [ISEAS], 2012), pp. 35–44.

Consolidating existing networks

Despite the numerous obstacles and drawbacks, CSOs and NGOs must continue to consolidate existing networks among like-minded advocates of R2P. CSOs and NGOs should consider working within regional mechanisms such as the ARF, with governments outside the region, and with leading academic institutions and think tanks. They could also work within the framework of the ASEAN Charter. For instance, past initiatives such as the Solidarity for Asian Peoples' Advocacy (SAPA), which is a network of NGOs in Asia, have influenced the move toward a wider acceptance of R2P norms. Although SAPA's submission for 'Article 2.2: Responsibility to Protect' clause in the ASEAN Charter met with failure, it did open up a fresh avenue for the formal engagement of CSOs and NGOs in the region.³⁵ Apart from the ARF and the ASEAN Charter, which CSOs and NGOs could use as channels to campaign for the R2P agenda, they can also raise issues pertaining to R2P in the APSC Blueprint, in the name of promoting awareness on the significance of NTS issues, which have in recent years gained the states' attention.

Cooperating closely with governments is also advantageous because CSOs and NGOs are provided with the opportunity to remind them of their 2005 World Summit commitments³⁶ and to prompt for their support to the UN on R2P-related issues. CSOs and NGOs could also use the chance to discuss indigenous and Asian values while re-acquainting governments with their responsibilities to the people. Hypothetical scenarios where the failure of governments to protect their own peoples could create dire impacts in neighbouring countries may be used as an aid by CSOs and NGOs for such initiatives. The key message would be that failure on the part of governments would come at a cost to the region should mass atrocities happen, and that such failure can be prevented if R2P is integrated into all political levels be it at the level of parliament, local or provincial governments - to instil awareness and consciousness of the need to protect human life. CSOs and NGOs could look to seek opportunities for engaging with officials at all levels of policy-making events, agenda-setting discussions, summits, forums on global issues and conflict-specific discussions on R2P.

Reaching out

Currently, many networks in Southeast Asia are not consciously applying R2P due to either a lack of proper understanding of the concept or lingering suspicion among the networks and between the networks and the state. Nonetheless, some relevant networks that have become potential partners of existing networks and are assisting in supporting the R2P principles are given below:

- Global Partnership for the Prevention of Armed Conflict
- SAPA
- **APSC**
- Women Peace-building

http://www.unrol.org/files/2005%20World%20Summit%20Outcome.pdf (accessed 31 May 2012).

^{35 &#}x27;International Conference on Preventing Mass Atrocities: Asian Perspectives on R2P', Civil Society Consultation, Final Report, 21 February 2008, p. 3, available at http://www.responsibilitytoprotect.org/files/AP%20Civil%20Society%20Consultation%20Final%20Report.pdf (accessed 31 May 2012).

³⁶ For more information, see United Nations (UN), '2005 World Summit Outcome', Resolution adopted by the General Assembly, 24 October 2005, p. 30, available at

- Asian Circle 1325
- ASEAN People's Assembly
- Burma Partnership
- World Forum for Democratisation in Asia
- Network of NGOs in Indonesia

Coordinating with other CSOs will strengthen the overall position of non-state actors particularly when lobbying key governments to seek endorsements on R2P at the national, regional and international levels. This will help construct shared perspectives among CSOs and NGOs in their attempts to advocate the concept of R2P, thus making their mission more powerful and worthwhile at the same time. As making the R2P concept accessible to the public is crucial, CSOs and NGOs could explore a number of avenues to further promote the R2P concept, including new-age social media networks such as Facebook and Twitter. Such networks would enable CSOs and NGOs to envisage network structures among themselves, develop network attitudes and behaviours while involving the public, understand the level of R2P consciousness among the people and make their organisations more sociable and interactive.

Mingling with local communities

CSOs and NGOs may organise discussions with local communities, collate recommendations on policy frameworks and provide strategic inputs into policy discussions. Examples of such discussions would include the need for an R2P toolbox, criteria for determining when an R2P situation should be deemed to exist and principles on the use of force. More importantly, such exercises would further enhance people-to-people power and improve solidarity with those affected by genocide, crimes against humanity and ethnic cleansing.

Involving in the R2P process

While the Cambodian Tribunal proved that CSOs and NGOs can greatly facilitate the process of bringing justice to victims of genocide, there is more that can be done by these organisations. CSOs and NGOs could monitor the effectiveness of policy frameworks that are adopted by governments and the UN; support advocacy on conflict-specific cases or campaigns (be it at the national, country or subregional levels), including through facilitation of exchange of information among member organisations that seek to develop common messages and strategies; and, facilitate thematic or topic WGs, possibly among groups who specialise in conflict prevention and peace building, are conflict- or crisis-specific, or are focused on specific actors such as regional institutions, as appropriate. Besides, CSOs and NGOs may strive to lobby governments, regional organisations and the UN to build practical capability, both preventive and reactive, across the full range of civilian and military responses that may be appropriate when confronting different R2P situations.

Conclusion

The role of CSOs and NGOs in advocating the concept of R2P is immense. Protection of human security is no longer the sole responsibility of the state. Indeed, in many cases, it has been the state that has threatened human security in a number of political violent incidents in Southeast Asia. Under such circumstances, CSOs and NGOs have emerged as indispensable non-state actors campaigning for humanitarian interventions in the light of the

state failing to protect its own citizens. However, CSOs and NGOs are not functioning without difficulties and the road is particularly arduous for such organisations in the Southeast Asian context. Local realities that pose primary hurdles in the work of these organisations - which range from the overwhelmingly sovereignty-conscious mentality on the part of the state, and the state's convenient exploitation of cultural pretexts based on Asian values for justifying its apathetic attitude toward R2P, to a lack of awareness among the people of the importance of R2P to their own security - all complicate the operationality of CSOs. The concept of R2P is relatively new to many Southeast Asians, who have traditionally relied on the state for security and protection. Then again, it may be possible that the lack of real understanding and thorough comprehension of the R2P concept, which has generally been recognised to exist among state agencies and the public, may extend to some CSOs and NGOs even, thereby explaining why certain incidents involving atrocities may have been tolerated by these organisations. In addition to the above, CSOs and NGOs working to propagate the R2P principles in opposition to the government's interests also face a myriad other obstacles and challenges that may place them at risk of persecution or elimination.

This paper discussed the role of CSOs in three fundamental areas of R2P advocacy from a Southeast Asian perspective, namely, promoting awareness and understanding of R2P; aiding the protection process and strengthening justice; and, knitting alliances with other actors. These roles are undoubtedly complementary to the state's own policies on R2P. The study also proffered a set of policy recommendations to further support the role of CSOs engaged in championing the R2P cause in a more efficient way, stressing the need to consolidate existing networks of CSOs as part of improved capacity building, using available social media networks to make the R2P concept more relevant to the Asian population, and finally, mingling with local communities to raise awareness of the necessity to prioritise human security.