

# Responsibility to Protect in Southeast Asia and the Role of Civil Society Organizations as Norm Entrepreneurs

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The article looks into responsibility to protect (R2P) in Southeast Asia and the role of civil society organizations (CSOs) as norm entrepreneurs. Using Finnemore and Sikkink's "norm life cycle" theory, it is argued that civil society organizations contribute to the emergence of the R2P norm in the region; however, for the norm to be fully "internalized" by target states, it needs to be constitutively localized—that is, it needs to be reconciled with preexisting regional and domestic norms. CSOs need to engage governments, domestic political leaders, and local nongovernmental organizations in order for R2P to be applied in a manner consistent with the ASEAN Way and ASEAN states' interests, preferences, and priorities.

*Keywords:* ASEAN, civil society, human security, norm life cycle, localization, responsibility to protect, Southeast Asia

Human security represents an emerging paradigm that seeks to shift the meaning of security from its traditionally military-oriented and state-centric focus to a "people-centred" approach that comprehensively addresses both "freedom from fear" (the protective human security advocated by Canada that stresses the international "responsibility to protect" [R2P] individuals from physical threats beyond the capability of their governments) and "freedom from want" (the "soft" version of human security advocated by Japan that favours a long-term development approach to the promotion of human security). In Southeast Asia, the idea of human security found little resonance in the ways and

thinking of governments. The ASEAN Way, the governing principle of interstate relations of the Association of Southeast Asian Nations (ASEAN), stresses the state as the referent of security. It underscores a consensual approach to decision making, informal structures and processes, and the principle of nonintervention in member countries' internal affairs. Southeast Asian states regard their national sovereignty to be sacrosanct, and their reluctance to accept the idea of human security rests on a suspicion that the mechanisms and institutions in promoting the doctrine might require them to relinquish their sovereignty. It is primarily for this reason that ASEAN states are more receptive to the broader

concept of human security, the “freedom from want” approach, while demonstrating resistance to the much narrower concept of “freedom from fear.”

### **RESPONSIBILITY TO PROTECT AND THE ASEAN WAY**

Responsibility to protect challenges the extant notion of sovereignty that entails noninterference in the internal affairs of states (Sarkin, 2012). It views sovereignty as a responsibility and holds that states have the primary responsibility for protecting its citizens from genocide, war crimes, ethnic cleansing, and other crimes against humanity (*World Summit Outcome Document*, 2005). However, should a state be unable or unwilling to fulfil, its duties, the international community has the responsibility to assist that state and take a timely and decisive action through peaceful, diplomatic, and humanitarian means and, if that fails, other more forceful means, as long as they are consistent with Chapter VI (peaceful measures), Chapter VII (enforcement measures), and Chapter VIII (regional arrangements) of the United Nations Charter (*World Summit Outcome Document*, 2005, par. 138). The responsibility to protect thus embraces three specific responsibilities: the responsibility to prevent, the responsibility to rebuild, and the responsibility to react. In cases when there is large-scale loss of life (actual or apprehended, with genocidal intent or not, which is the product of deliberate state action, or state neglect or inability to act, or a failed state situation) or large-scale ethnic cleansing (actual or apprehended, whether carried out by killing, forcible expulsion, acts of terrorism, or rape), the International Commission on Intervention and State Sovereignty (ICISS) asserts that there is not only a right to intervene but also an international responsibility to protect those who are, or are in imminent danger of becoming, victims of these acts. The necessary economic, political, diplomatic, legal, or military measures should then be taken in order to stop mass atrocity crimes.

It is precisely because of this “right to intervene” that many Third-World states are wary

of R2P. There is lingering fear and suspicion that R2P might be used as a “pretext for political and military domination, or selective enforcement for discriminatory or political motives” (Sarkin, 2012, p. 13). In Southeast Asia, states are generally open to the idea of human security and accept the R2P in principle (see Asia-Pacific Centre for the Responsibility to Protect, 2009). R2P could provide a comprehensive approach to humanitarian intervention as it establishes a moral guideline for international action in the face of humanitarian emergency, but many still consider it to be “dangerously disrespectful” of international law and that it has not added anything new to the discourse of humanitarian intervention (Hamilton, 2006, p. 19). While some evidence point to the fact that the traditional notion of Westphalian sovereignty is weakening and evolving into “sovereignty as responsibility,” the key argument against R2P remains to be that R2P is destroying the existing normative basis of the international system in order to allow major powers to intervene selectively in the internal affairs of weaker states (Seaman, 2012, p. 23). Hence, the key challenges that face the implementation of R2P are the same problems that confront humanitarian intervention: lack of political will, lack of authorization, and lack of operational capacity. The question has always been who decides when and where to intervene, and the reality is that powerful states determine whose human rights justify departure from the principle of nonintervention (p. 24).

In Southeast Asia, states are generally open to the idea of human security and accept the R2P in principle. Despite the fact that most members of the ASEAN refrained from overtly endorsing and speaking directly on R2P, all 10 members have nonetheless expressed support for the 2005 UN World Summit Outcome Document which outlined the unequivocal responsibility of states and the international community to protect populations from genocide, crimes against humanity, ethnic cleansing, and war crimes. However, there still remains a strong tendency for governments in Southeast Asia to take a critical position on the principle as well as its implementation. ASEAN

governments are by and large supportive of pillars I and II of R2P (sovereignty as responsibility and capacity building or the responsibility of the international community to assist states to fulfill their responsibility to protect, respectively) but are suspicious of the third reactive pillar (timely and decisive response; “The Responsibility to Protect in Southeast Asia: Issues and Challenges,” 2009). This attitude is mainly due to the fact that as former colonized territories, Southeast Asian states are highly sensitive of their sovereign status.

Southeast Asian states’ incapacity and unwillingness to adopt R2P are likewise due to its staunch adherence to the ASEAN Way, a set of guiding principles that shape the collective identity of ASEAN, placing absolute significance on the principle of nonintervention. The ASEAN Way is premised on the traditional Westphalian notion of sovereignty, which emphasizes territorial integrity and the right to conduct its domestic affairs free from external interference, subversion, or coercion. With a history of foreign colonial intervention and occupation and an unstable and subversive regional political environment, noninterference provided for relations that are based on mutual respect for one another’s sovereignty, territorial integrity, and national security (Drummond, 2009). Indeed, the reason why ASEAN states have traditionally refrained from criticizing or condemning one another is the fear that intra-ASEAN criticism would undermine the organization’s unity and stability. Hence, as Drummond (2009) pointed out, ASEAN “has not evolved far enough to completely discard the traditional security paradigm in favour of one that elevates human protection based on relatively new R2P principles” (p. 6). Uncertainty remains as to what “responsibility to protect” actually means and how it ought to be implemented. The fear remains among Southeast Asian states that R2P would be taken as “license to intervene” in domestic affairs and could possibly lead to neocolonialism (“The Responsibility to Protect: Conceptual Misunderstandings,” 2009).

Another reason for ASEAN’s ambivalence and failure to fully internalize the R2P norm could

be the lack of a threatening environment that might motivate ASEAN states to consider other normative options. It was only after the 1997 Asian Financial Crisis that Southeast Asian states began to consider human security as a possible alternative to the ASEAN Way. The financial crisis posed grave economic, social, and political threats to ASEAN states, and the substantial human sufferings from the crisis put the logic of achieving state security through economic growth in serious doubt (Cheeppensook, 2007). It also raised questions about the nature of the dominant security thinking and practices in the region (Caballero-Anthony, 2004). The crisis made ASEAN leaders realize that cooperative efforts are needed to solve common problems. Thai Foreign Minister Surin Pitsuwan proposed “constructive intervention,” but due to the opposition of other ASEAN members, he modified it into “flexible engagement,” but that was watered down even more to “enhanced interaction” (Tay, 2001). The initial proposal could be regarded as a step toward the derogation of the established state-centric security norms. However, in the end, it is still evident that the ASEAN Way is still working in terms of the consensus-building process (Cheeppensook, 2007). The move toward human security was further interrupted after September 11, 2001. Human security has not yet entered the ASEAN Regional Forum (ARF) dialogue when 9/11 happened, and the threatening situation it presented reoriented states back to the already existing state-centric security concept (Cheeppensook, 2007).

These factors account for the lack of a regional champion to promote R2P (RSIS Centre for Non-Traditional Security Studies, 2010). There is a limited scope to promote the principle through the ASEAN Political Security Community and the ARF. Hence, the main advocates for responsibility to protect in Southeast Asia are members of the civil society (RSIS Centre for Non-Traditional Security Studies, 2010). According to Morada (2006), civil society and nongovernmental organizations serve as the main channels in promoting more people-oriented

norms. They challenge accepted regional notions of security and development, raising questions about the conventional security practices of states that these groups regard as divorced from the real security concerns of the people in the region. Civil society in Southeast Asia can advance the human security debate by identifying nonmilitary measures that the United Nations, ASEAN, and individual governments should apply in cases of mass violence (Deller & Chhatpar, 2006). They could influence policies and programs and help bring about people-centric security systems (as opposed to state-centred security systems) that are more capable in addressing the growing threats to human security (Caballero-Anthony, 2004).

### **RESPONSIBILITY TO PROTECT AND CIVIL SOCIETY: CSOS AS NORM ENTREPRENEURS**

The role of CSOs in promoting human security norms, specifically the responsibility to protect, in ASEAN can be explained through the process of norm influence termed by Finnemore and Sikkink (1998) as the *norm life cycle*. It involves a three-stage process: *norm emergence*, *norm cascade*, and *norm internalization*.

The first stage, norm emergence, involves “norm entrepreneurs” with organizational platforms (nongovernmental organizations, transnational advocacy networks, and international organizations) that use persuasion mechanisms to convince a critical mass of states to adopt new norms (Finnemore & Sikkink, 1998). Norms are defined as “standards of appropriate behaviour for actors with a given identity” (Finnemore & Sikkink, 1998, p. 891). They do not exist in a vacuum—that is, they are actively built by agents that have a strong notion about appropriate behaviour. Norm entrepreneurs are important catalysts for norm emergence because they are able to “frame” normative ideas in such a way that they resonate with the target audiences, calling attention to or even “creating” issues by naming, interpreting, and/or dramatizing them (Finnemore & Sikkink, 1998).

The second stage, norm cascade, is reached subsequent to the “tipping point” when socialized states, international organizations, and transnational networks become “norm leaders” and attempt to socialize other states to become “norm followers” (Finnemore & Sikkink, 1998). At this stage, states are motivated to adhere to the norms and respond to peer pressure because of the following: (1) international legitimation, which is important to establish domestic legitimacy; (2) conformity, in which states comply with norms because they want to “belong”; and (3) esteem, in that states sometimes follow norms because they want others to think well of them (Finnemore & Sikkink, 1998).

The last stage is norm internalization, which may or may not occur. If it does take place, the new norm will not be debated anymore and will be treated as the “standard of appropriateness” (Finnemore & Sikkink, 1998). The norm will become widely accepted and achieve a “taken-for-granted” quality that makes conformance almost automatic.

It can be argued that human-centric norms in Southeast Asia emerged in 1993 following the World Conference on Human Rights, in which ASEAN states were compelled to recognize the universality and indivisibility of human rights and agreed to consider the establishment of a regional human rights mechanism. The United Nations Development Programme (UNDP) 1994 Human Development Report helped formalize the concept of human security. CSOs have been the main norm entrepreneurs in this stage of norm emergence, reframing the same issues of rights and needs under the new framework of human security. Civil society organizations promote and advocate the human security norm and responsibility to protect by popularizing “institution building,” informing stakeholders and raising awareness that R2P does not necessarily equate to military intervention (Morada 2006, p. 10). The last point is particularly important because through this, potential “norm leaders” can be identified across and within constituencies to advance understanding of the three pillars of

R2P and to further the process of norm cascade in the region.

CSOs contribute to the promotion of the norm and constituency building by generating sources to promote and implement R2P, coalition building, capacity building, developing indicators for prevention measures, and contributing to the implementation of R2P. According to Gonzalez and Mendoza (2010), CSOs exercise three kinds of power in order to affect the shift in focus of human security from a state-centric to a people-centred perspective: decisional power, which relates to policy making and political influence, direct or indirect intervention through lobbying, advocacy, monitoring, protest, and participation; discursive power or the power to shape and disseminate politically relevant values, norms, and theories, thereby codetermining the behavior of states and other actors; and regulatory powers, which relates to rule making and institution building. Thus, despite their asymmetrical relationship with states, CSOs would be able to “turn the tide” with human security through social networking and informal diplomacy and by exerting pressure on states (Gonzalez & Mendoza, 2010, p. 223). ASEAN’s regime-centered policies are challenged more substantially and directly by these organizations.

There are a number of civil society organizations and transnational advocacy networks that promote human security and R2P in Southeast Asia. For one, the Regional Working Group of Human Rights (RWGHR), a transnational civil society group that seeks the establishment of a Regional Human Rights Commission in ASEAN, has become an informal coalition of individuals and is at present working with other NGOs such as Forum Asia (a regional human rights organization geared toward the promotion and protection of all human rights, including the right to development) and AltSEAN-Burma (Alternative ASEAN Network—a network of organizations and individuals based in ASEAN member states that support the movement for human rights and democracy in Burma) under the umbrella of the ASEAN People’s Assembly (APA) to push for the realization of an ASEAN human rights commission.

Similar civil society groups and transnational advocacy networks involved in the promotion of human security and R2P in the region are the following: the Asia Pacific Centre for the Responsibility to Protect (APCR2P), which promotes effective implementation of international human rights in Asia at the regional and domestic levels, as well as providing opportunities for regional human rights norm building and domestic internalization and the strengthening of national capacities for human rights protection; the Centre for Non-Traditional Security Studies located at the S. Rajaratnam School of International Relations, Nanyang Technological University in Singapore, which conducts research and policy-relevant analysis to raise awareness and build capacity to address nontraditional security issues in the Asia-Pacific region; the Global Center for the Responsibility to Protect (GCR2P), which promotes the universal acceptance and effective implementation of the norm of responsibility to protect through research and advocacy, supporting governments, NGOs, and international institutions in becoming more effective advocates for R2P and in meeting obligations under R2P; the Human Rights Watch, which looks for early warning signs for genocide, war crimes, ethnic cleansing, and crimes against humanity and seeks to deter future rights abuses by holding perpetrators to account; the Initiatives for International Dialogue (IID), whose objective is to deepen the discussion on the R2P norm among civil society, help build knowledge and capacity of its constituency, engage the government, place R2P within the realm of public discourse, and debate and lobby for the recognition of R2P principles at the national ASEAN and UN levels; and the Stanley Foundation, which focuses on R2P norm promotion, institutional development, and policy analysis and seeks to identify coherent, strategic approaches to atrocity prevention, develop tools for international support and capacity building, and promote greater international coordination in mobilizing mechanisms for prevention and response.<sup>1</sup>

Largely because of the efforts of these groups, a move from state-centric norms guided by the

ASEAN Way towards human-centric norms can now be observed. However, the current level of awareness (not to mention acceptance) of R2P in Southeast Asia remains low. Despite the efforts by civil society and NGOs in endorsing R2P in national, regional, and international forums, ASEAN states remain reluctant, if not completely resistant, to fully embrace R2P norms. Internalization still has not taken place.

Transnational advocacy networks are necessary but not sufficient conditions in promoting new ideas. Not all campaigns lead to the adoption of norms. Civil society and NGOs as norm entrepreneurs have played a partially significant role in the emergence of human security and R2P norms, but these groups need to obtain the support of state actors who will endorse these norms and make normative socialization a part of their agenda. Ultimately, states remain the indispensable component of human security. It is therefore imperative to look at norm entrepreneurs both inside and outside the state. Furthermore, for the R2P to make normative headway in the region, it is important to “localize” the idea with the current security concepts and approaches of ASEAN (Gonzalez & Mendoza, 2010).

Acharya (2004) defined *localization* as “the active construction (through discourse, framing, grafting, and cultural selection) of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices” (p. 245). Ideas are transmitted through local initiatives and adoption (states adopt those ideas they perceive will help enhance their legitimacy and authority) and through “cultural selection” (states “borrow” ideas that are, or can be made, compatible with local beliefs) (Acharya, 2004). In short, localization is the process by which external norms are adjusted to match existing local norms. However, it should not be simply regarded as *adaptation*, but as a long-term and evolutionary assimilation of foreign ideas. It is voluntary, and the consequent changes are therefore likely to be more enduring (Acharya, 2004).

For localization to actually take place, norm takers have to believe that external norms could

boost the legitimacy and authority of their existing institutions and practices but without fundamentally altering their existing social identity (Acharya, 2004). Likewise, the availability to credible local actors (“inside proponents”) with sufficient discursive influence to match or outperform outside norm entrepreneurs operating at the global level are also crucial. Local norm entrepreneurs are likely to be more credible if they are seen by their target audience as upholders of local values and identity and not simply “agents” of outside forces or actors.

In Southeast Asia, the R2P norm solicited no insider advocacy, only suspicion and rejection. “Flexible engagement” was unable to produce any significant institutional change in ASEAN (Acharya, 2010, p. 133). It did not receive any support from local epistemic communities as there is no prior regional tradition, no record of collectively promoting human rights and democracy (Acharya, 2004, 2010). Moreover, noninterference is still enjoying a “robust legitimacy” among leading ASEAN members (Acharya, 2010, p. 131). Noninterference is still first in ASEAN’s norm hierarchy, and ASEAN states have not departed from this standard in any significant way.

For R2P to be successfully localized and eventually internalized, it has to be applied in a manner consistent with the principle of noninterference (Bellamy & Beeson, 2010). It should be linked closely to the interests and legitimate priorities of developing states, particularly in the fields of development and capacity building (“The Responsibility to Protect in Southeast Asia: Issues and Challenges,” 2009). In order to mobilize ASEAN support for R2P, norm entrepreneurs should focus on developing proposals that the states themselves made, proposals that would focus largely on pillars I and II of R2P and include a series of initiatives through which the international community can assist states to fulfil their responsibility to protect.

R2P rests first and foremost with the state. Civil society and transnational advocacy networks should engage government officials working on issues of human rights, protection of civilians

in armed conflict, and peace building and peacekeeping and ensure that their advocacy resonates with the government's agenda. It is likewise necessary that they identify key national-, local-, and community-level leaders who are prepared to make a commitment in advancing R2P. CSOs must persistently stress the importance of mainstreaming and integrating R2P into parliaments, local governments, and foreign ministries.

CSOs must also further explain the meaning of R2P and whom it is for. R2P and R2P situations have to be more narrowly defined (Evans, 2008). The actual phrase "responsibility to protect" is relatively new and often breeds misperceptions. The concept needs further clarification, and R2P advocates must emphasize that the object of state responsibility is not primarily itself but its citizens. R2P therefore needs as new "packaging" for it to be successfully localized. CSOs need to address the issue of indeterminacy and establish the norm's coherence for it to succeed. Any new norm must fit coherently with existing and prevailing norms (Florini, 1996, p. 376).

When promoting norms, CSOs and other norm entrepreneurs should also take into account domestic factors, both social and material. It is equally important to be mindful of domestic processes, including contestation and resistance to norms, and the problem of interpretation and implementation, as these can pose grave long-term challenges to norm internalization. The individual characteristics of the policy-making elite, societal variables such as the degree of national unity and value orientations, governmental structure, and regime preferences determine the level of acceptance of norm takers. For example, states that are relatively democratic (the Philippines, Malaysia, and Thailand) support "flexible engagement" because it fits coherently with preexisting liberal political norms such as equality, the rule of law, and multilateralism, whereas illiberal regimes (Burma, Indonesia, and Vietnam) opposed the proposed policy for fear that collective intervention would undermine their legitimacy (Acharya, 2010).

Clearly, there is more that needs to be done and political will to be generated for norm entrepreneurs to localize R2P and for norm takers in Southeast Asia to internalize it. As of the moment, the concept remains vague, and it is unlikely to serve as a catalyst for a regional response to mass atrocities in the near future. R2P needs to be "demystified" (Kassim & Putra, 2010), and the doctrine has to be continuously clarified.

## CONCLUSION

Human security norms became prominent primarily through the deliberate efforts of norm entrepreneurs and norm leaders like Canada and Japan. In Southeast Asia, the "freedom from want" approach to human security was able to get more support among governments and state leaders compared to the "freedom from fear approach," which has as its key component the responsibility of states, and where they fail the international community, to protect civilians from mass atrocity crimes. ASEAN states unanimously accepted the principle of R2P at the UN World Summit in September 2005, but they remain wary that R2P might be abused by "imperial" and "neocolonial" powers for their own interests and of potential violators to territorial integrity.

Transnational advocacy networks and civil society organizations have made some progress in promoting human security and responsibility to protect in Southeast Asia. As norm entrepreneurs, they are able to raise awareness, engage and encourage states to participate in regional dialogues, promote coalition building and capacity building, and attempt to transform R2P from discourse to action. Despite all their efforts, however, Southeast Asian states remain reluctant, if not resistant, to fully embrace the R2P norm.

The paper argues that in order for R2P to be internalized by states, it needs to be constitutively localized—that is, it has to be made compatible with the norm of noninterference. Norm entrepreneurs have to convince governments and political leaders that R2P is not about regime change and does not intend to displace preexisting

regional and local norms and that R2P is much more than humanitarian intervention. R2P has to be applied in a manner consistent with ASEAN states' interests, preferences, and priorities. The role domestic actors, structure, and processes should not be discounted, therefore, as they would determine whether R2P norms are fully internalized or not.

## ENDNOTE

<sup>1</sup>Taken from "Voices from Civil Society," International Coalition for the Responsibility to Protect 2011.

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