

Reconciling State's Sovereignty with Global Norms: Indonesia's Quiet Diplomacy in Myanmar and the Feasibility of the Implementation of Responsibility to Protect (R2P) in Southeast Asia

Mohamad Rosyidin

Universitas Diponegoro, Semarang, Central Java, Indonesia

mohamad.rosyidin@gmail.com

Abstract

In spite of optimistic views on the feasibility of the R2P operationalisation in South-east Asia, reconciling global norms with regional principles is not an easy task given the cult of sovereignty that inhibits socialisation and implementation of R2P. Using the case study of Indonesia's foreign policy implementation in Myanmar, this article demonstrates that ASEAN's (Association of Southeast Asian Nations) non-interference principle does not necessarily negate R2P norms. Indonesia's approach in Myanmar reflects Pillar 2 of R2P which underlines the importance of equal sovereignty and the greater role of trusted partners. Indonesia's preference to quiet diplomacy instead of naming and shaming or utilising sanctions is an effective way to open Myanmar's resistance. At the same time, the pledge of Indonesia's humanitarian aid to Rohingya refugees represents alternative instruments of Pillar3 aside from the use of force. This argument implies that intervention does not always require coercion against authoritarian regimes, as employed by the West for decades.

Keywords

R2P – Indonesia's foreign policy – Myanmar – non-interference – quiet diplomacy – humanitarian aid

This article contributes to the current debate concerning the possibility of the implementation of R2P in Southeast Asia.* The debate has been split into two perspectives. Most scholars tend to be optimistic in claiming that Southeast Asia, despite the existence of the non-interference principle, provides fertile soil for the adoption of R2P. From this perspective, there have been three approaches on the regional application of the R2P. The institutional approach argues that ASEAN's institutions — primarily ASEAN Political and Security Community (APSC) and ASEAN Intergovernmental Commission on Human Rights (AICHR) — are among the most reliable organisations to foster R2P.¹ The second approach gives more emphasis to the role of civil society or the 'bottom-up approach' in promoting R2P norms in Southeast Asia. According to its adherents, civil society plays a significant role as 'norms entrepreneur' in persuading ASEAN states to adopt R2P norms.² The third approach is what I call the 'Cyclone Nargis approach' which represents Myanmar's decision in accepting international assistance following the devastating impact of Cyclone Nargis in 2008.³

However, there are also some pessimistic views on the feasibility of R2P in the region. Capie points out that R2P norms have not been taking place due to

The earlier version of this article was presented at the International Conference on ASEAN Studies (ICONAS), 13–14 March 2019, Universitas Gadjah Mada, Yogyakarta. The author would like to thank anonymous audiences for their critical and constructive comments.

- 1 Rizal Sukma, 'The ASEAN Political and Security Community (APSC): Opportunities and Constraints for the R2P in Southeast Asia', *Pacific Review*, 25/1: 135–152 (2012); Herman Kraft, 'RtoP by Increments: The AICHR and Localizing the Responsibility to Protect in Southeast Asia', *Pacific Review*, 25/1: 27–49 (2012).
- 2 Noel Morada, 'ASEAN Responses to the Responsibility to Protect: Challenges, Opportunities, and Constraints' in Julia Hoffmann and André Nollkaemper (eds.), *Responsibility to Protect: From Principle to Practice* (Amsterdam: Amsterdam University Press, 2012), pp. 237–246; Pavin Chachavalpongpun, *Responsibility to Protect in Southeast Asia: Enlarging Space for Civil Society* (Singapore: RSIS Centre for Non-Traditional Security Studies, 2012); Lina Alexandra, 'Indonesia and the Responsibility to Protect', *Pacific Review*, 25/1: 57–74 (2012); and Maria Thaemar Tana, 'Responsibility to Protect in Southeast Asia and the Role of Civil Society Organizations as Norm Entrepreneurs', *Asia-Pacific Social Science Review*, 13/1: 41–49 (2013).
- 3 See Mely Caballero-Anthony and Belinda Chng, 'Cyclone and Humanitarian Crises: Pushing the Limits of R2P in Southeast Asia', *Global Responsibility to Protect*, 1/2: 135–155 (2009); Alex Bellamy and Mark Beeson, 'The Responsibility to Protect in Southeast Asia: Can ASEAN Reconcile Humanitarianism with Sovereignty?' *Asian Security*, 6/3: 262–279 (2010); Alpaslan Özerdem, 'The "Responsibility to Protect" in Natural Disasters: Another Excuse for Interventionism? Nargis Cyclone, Myanmar', *Conflict, Security & Development*, 10/5: 693–713 (2010); Alex Bellamy and Catherine Drummond, 'The Responsibility to Protect in Southeast Asia: Between Non-Interference and Sovereignty as Responsibility', *Pacific Review*, 24/2: 179–200 (2011); and Julian Junk, 'Testing Boundaries: Cyclone Nargis in Myanmar and the Scope of R2P', *Global Society*, 30/1: 78–93 (2016).

the lack of 'active borrowing and reconstruction of foreign norms by local or regional actors'.⁴ Thus, he challenges the claim made by the bottom-up approach. In addition, ASEAN is not a unitary regional institution that expresses its stance in a single voice. Kassim argues that ASEAN member states instigate different nuances towards R2P. The Philippines is the only R2P active advocate compared to other member states such as Singapore, Indonesia, Vietnam, and Philippines which fall within the category of 'R2P engaged' in the sense that these countries are supportive towards some aspects of the norms but opposed to some others depending on their cases and situations. The passive voice comes from the 'fence-sitters', namely Cambodia, Malaysia, Brunei, Laos, Thailand, and Vietnam (from 2005 to 2007). Last, the strong opposition expressed by Myanmar, a country highly critical of the implementation of R2P norms in Southeast Asia.⁵ Further pessimism also relates to the role of ASEAN's human rights body (ASEAN Intergovernmental Commission on Human Rights — AICHR) in fostering R2P in the region. Any effort to implement R2P norms in ASEAN is constrained by the traditional principle of non-interference and its consensus-based decision-making mechanism.⁶ This is the reason for the diverging reaction within ASEAN in response to Cyclone Nargis and the Rohingya issue. ASEAN was reported to have intervened very weakly in the case of Cyclone Nargis and reluctant in dealing with the mass atrocities conducted by Myanmar government against Rohingya people.⁷

This article would like to side with the optimist's stance regarding the prospective R2P implementation in Southeast Asia. However, this article challenges the existing assumptions from the three aforementioned approaches. The institutional approach lacks empirical evidence to support its key argument on ASEAN human rights body's capability in facilitating norms institutionalisation. It is common knowledge that ASEAN has a good reputation in signing agreements but, paradoxically, is known to be underperforming when it comes to maintaining its own commitments.⁸ In terms of human rights issue, ASEAN

4 David Capie, 'The Responsibility to Protect Norm in Southeast Asia: Framing, Resistance, and the Localization Myth', *Pacific Review*, 25/1: 75–93 (2012), p. 76.

5 Yang Razali Kassim, *The Geopolitics of Intervention: Asia and the Responsibility to Protect* (Singapore: Springer, 2014), pp. 66–67. See also Alex Bellamy and Sara Davies, 'The Responsibility to Protect in the Asia-Pacific Region', *Security Dialogue*, 40/6: 547–574 (2009).

6 Sriprapha Petcharamesree, 'ASEAN Human Rights Regime and Mainstreaming the Responsibility to Protect: Challenges and Prospects', *Global Responsibility to Protect*, 8/2: 133–157 (2016).

7 Cecilia Ducci, *ASEAN's Norm Contestation over the Responsibility to Protect: A Comparative Study of the Humanitarian Crisis of Cyclone Nargis and the Rohingyas in Myanmar*, M.A thesis, Universiteit Leiden, Leiden, 2018.

8 Mohamad Rosyidin, 'Membangun komunitas kredibel: komitmen terhadap institusi sebagai prasyarat menuju komunitas keamanan ASEAN 2015' ['Crafting a Credible Community:

has voluntarily been adopting Western liberal values so it can be legitimately identified as international actor.⁹ Yet, at the same time, ASEAN's engagement with human rights issues faces the dilemma of 'action-identity gap', that is, showing high commitment to international norms but violating internal norms at domestic level.¹⁰ In other words, although ASEAN is undoubtedly reputable in adopting international norms, it would be considered premature to readily assume that ASEAN will always possess the commitment to implement them. The Rohingya issue might be a salient example to test ASEAN's commitment towards human rights. As widely noted, both APSC and AICHR did not take any action to stop mass violence in Myanmar which confirms the widely held assumption on ASEAN's incapability towards human rights issues.

Likewise, both the bottom-up and Cyclone Nargis approaches also lack supporting evidence. Despite the fact that the existence of civil society is very important to socialise R2P norms in Southeast Asian countries, ASEAN remains a state-centric regional organisation that puts emphasis on states' preferences over regional interests. This is not to say that national interests are merely deriving from the decisions made by the elites. Non-state actors such as civil society also play a critical role in constructing national interests.¹¹ In addition, many Non-Government Organizations (NGOs) in Southeast Asia are still weak and suffer from 'serious limitations on the effectiveness and influence of civil society'.¹² The Cyclone Nargis approach is not applicable to political disasters such as crimes against humanity committed in the Rohingya case. Since Cyclone Nargis is a natural disaster, it is relatively easy to assume that the government would eventually open access for international humanitarian aid. Despite the fact that the Myanmar government was initially suspicious, they

Commitment Institution as a Pre-Requisite towards ASEAN Security Community 2015'], *Jurnal Universitas Paramadina*, 10/2: 878–893 (2014).

- 9 Hiro Katsumata, 'ASEAN and Human Rights: Resisting Western Pressure or Emulating the West?' *Pacific Review*, 22/5: 619–637 (2009). See also Mathew Davies, 'Important but Decentred: ASEAN's Role in the Southeast Asian Human Rights Space', *TRaNS: Trans Regional and National Studies of Southeast Asia*, 5/1: 99–119 (2017).
- 10 Mathew Davies, 'ASEAN and Human Rights Norms: Constructivism, Rational Choice, and Action-Identity Gap', *International Relations of the Asia-Pacific*, 13/2: 207–231 (2013).
- 11 See for example, Kathryn Sikkink, 'Human Rights, Principled Issue-Networks, and Sovereignty in Latin America', *International Organization*, 47/3: 411–441 (1993); Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996); Margaret Keck and Kathryn Sikkink, *Activist Beyond Borders: Transnational Advocacy Network in International Politics* (Ithaca: Cornell University Press, 1998); and Sanjeev Khagram, James V. Riker, and Kathryn Sikkink, *Restructuring World Politics: Transnational Social Movements, Networks, and Norms* (Minneapolis: University of Minnesota Press, 2001).
- 12 Capie, 'The Responsibility to Protect Norm in Southeast Asia', p. 85.

changed their decision. The logic of the Cyclone Nargis approach, however, cannot follow the 'Sinatra inference'; if an argument can make it here, then it can make it anywhere.¹³ The argument derived from the case of Cyclone Nargis might be very powerful, but it is not something applicable to other cases.

Against this backdrop, the argument of this article is twofold: *first*, the case study of Indonesia's quiet diplomacy in Myanmar in response to the Rohingya massacre may set the best example of the practice of R2P norms in Southeast Asia. Unlike the institutional and bottom-up approaches, the initiative of the action is not coming from a regional organisation or civil society but from the individual state. Unlike the Cyclone Nargis approach, the Rohingya incident is a political disaster and not a natural one. According to Caballero-Anthony and Chng, R2P has limited applicability in the case of natural catastrophe so they propose the concept of 'R2P-Plus'.¹⁴ Gareth Evans underlines the unrealistic fashion of widening the concept of R2P beyond its core business of addressing mass atrocity crimes.¹⁵ Expanding the scope of R2P to include natural disaster may undermine the consensus reached at the World Summit, which comprises four core crimes falling under the concept of R2P: genocide, war crimes, crimes against humanity, and ethnic cleansing.¹⁶ *Second*, I argue that it is rather diminutive to contest whether ASEAN will adopt R2P while the more pressing issue is actually how ASEAN member states should implement the R2P core principles when dealing with mass atrocities. The adoption of international norms is important, but the implementation is much more important. After all, adoption does not equal implementation. Conversely, implementation does not require adoption. Each ASEAN member states can implement the R2P principles with or without adopting them into their institutional body.

This article proceeds as follow. First, I will briefly sketch the common misunderstandings found in interpretations of the concept of R2P. Many people still believe and accordingly treat R2P as a 'license to intervene', making it highly challenging to implement the concept in Southeast Asia which celebrates the strict principle of non-interference. The next section discusses the conventional wisdoms established by Western powers to stop mass atrocities in Myanmar and in any other places of the world. The US and the EU are keen to impose sanctions against Myanmar for violating human rights norms. Arguably,

13 See, for example, Andrew Bennett and Colin Elman, 'Case Study Method in the International Relations Subfield', *Comparative Political Studies*, 40/2: 170–195 (2007), p. 173.

14 Caballero-Anthony and Chng, 'Cyclone and Humanitarian Crises', p. 145.

15 Gareth Evans, 'The Responsibility to Protect in Environmental Emergencies', *Proceedings of the Annual Meeting of American Society of International Law*, 103: 27–32 (2009), p. 32.

16 Ling Chen, *Is There a Responsibility to Protect for Disaster Relief, and Is It Needed?* M.A thesis, University of Toronto, Toronto, 2015.

this policy is insufficient, not because of its efficacy to alter state's policies but because of its discordance with regional norms and culture. By imposing sanctions against a foreign country, both the US and the EU are disregarding Myanmar as a sovereign country whereas in Southeast Asia, sovereignty is one of the qualities most sought and fought for. In the third section, I will turn the focus to Indonesia's case study. As already mentioned, Indonesia's soft approach on the Rohingya mass atrocities committed by Myanmar security forces represents the viability of implementing the R2P in Southeast Asia. The argument will be drawn upon Pillar 2 and 3 of the R2P norms stressing the role of regional actors who have proximity, trust, knowledge, capacity, and legitimacy in providing assistance.

1 The Changing Nature of Intervention

In the history of international relations, there are many ideas that shape the world. For centuries, concepts such as sovereignty, democracy, human rights, and many others have greatly impacted states' interaction with each other. The concept of R2P is among one of the greatest ideas in world politics. Social scientists regard R2P as 'a brand new international norm of really quite fundamental ethical importance and novelty in the international system'.¹⁷ The remark holds true in the way that R2P has become a global norm in protecting human rights. Former UN Secretary General Kofi Annan asserted that R2P 'represents a deep and disturbing challenge to those leaders who wish to treat their people with impunity'.¹⁸ After the adoption of R2P at the UN 60th Anniversary of World Summit 2005, the international community has officially embraced these norms although there have been many practical challenges surrounding the implementation of the concept.

The very nature of R2P uniquely rests on the changing interpretation of sovereignty. From the traditional perspective, it has been widely accepted that sovereignty implies exclusive rights of any government to take decisions on their own without external intervention. This conventional wisdom falls within the category of 'Westphalian sovereignty'. Krasner defines the Westphalian model of sovereignty as 'an institutional arrangement for organizing political life that is based on two principles: territoriality and the *exclusion of external*

17 Gareth Evans, 'The Responsibility to Protect: From an Idea to an International Norm' in Richard Cooper and Juliette V. Kohler (eds.), *Responsibility to Protect: The Global Moral Compact for the 21st Century* (New York: Palgrave Macmillan, 2009), p. 16.

18 Kofi Annan, *Intervention: A Life in War and Peace* (New York: Penguin, 2012), p. 119.

actors from domestic authority structures' [emphasis added].¹⁹ However, under the concept of R2P, sovereignty no longer provides privilege for any government because the approach bears 'responsibility to protect', which places the outmost emphasis on people's protection, demanding states to open up and grant much more fluidity on their normally stricter and more traditional stature of *sovereignty*, should 'intervention' be deemed to be a necessity. The non-exclusive sovereignty is justified under the concept of R2P when one concurs that the state has an *obligation* to protect its people. Annan suggests that the state exists as an instrument of service for its people and not vice versa.²⁰ As such, on this view, the wellbeing of the people should be treated second to none and this should precede any practical hurdles that may get in the way, including but not limited to toning down the concept of sovereignty.

It is also noteworthy that R2P differs significantly from the concept of humanitarian intervention. While the former emphasises the question 'who should intervene?';²¹ the latter focuses more on the victims. While humanitarian intervention reflects hierarchical power in international politics — quoting Voltaire 'with great power comes great responsibility' — R2P reflects international solidarity.²² Furthermore, shifting focus from 'intervention' to 'protection' of civilians can prevent us from participating in the debate over the politics of intervention. Humanitarian intervention, particularly in the form of unilateral intervention, contains the hidden agenda of intervening parties. From a realist perspective, it is easy to argue that those deploying troops in a foreign country under the guise of a humanitarian mission are also distorting their moral visions with political interests. Several studies show that international missions to protect civilian from appalling human rights abuse have been overshadowed by political agendas.²³ In order to minimise these 'moral

19 Stephen Krasner, *Sovereignty: Organized Hypocrisy* (New Jersey: Princeton University Press, 1999), p. 20.

20 Kofi Annan, 'Sovereignty as Responsibility', *The Economist*, 16 September 1999, <https://www.economist.com/international/1999/09/16/two-concepts-of-sovereignty>, accessed 21 January 2019.

21 James Pattison, *Humanitarian Intervention and Responsibility to Protect: Who Should Intervene* (New York: Oxford University Press, 2010).

22 Ramesh Thakur, *The United Nations, Peace and Security* (Cambridge: Cambridge University Press, 2006), p. 251.

23 See for example, Kenneth Roth, 'Was the Iraq War a Humanitarian Intervention?' *Journal of Military Ethics*, 5/2: 84–92 (2006); James Pattison, 'The Ethics of Humanitarian Intervention in Libya', *Ethics & International Affairs*, 25/3: 271–277 (2011); Alan Lachica, 'Humanitarian Intervention in East Timor: An Analysis of Australia's Leadership Role', *Peace & Conflict Review*, 5/2 (2011), <http://www.review.upeace.org/index.cfm?opcion=0&ejemplar=22&entrada=113>, accessed 22 January 2019; Alan Kuperman, 'A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign', *International Security*, 38/1: 105–136

hazards', the R2P has key characteristics that differentiate it from humanitarian intervention. First, it focuses on those who need help rather than those who should intervene. Second, the responsibility to protect rests on the government not external powers, including the UN unless the government fails to do so. Third, R2P is not only about protecting civilians from atrocities but also about reconstruction and prevention after tragedy.²⁴

Pundits and policy makers often misunderstand the concept of R2P. Evans lists some of the most commonly misleading arguments about the concept.²⁵ First, R2P is just another name for humanitarian intervention. As already discussed earlier, R2P differs from humanitarian intervention; from their basic principles all the way to their respective implementation methods. To put it simply, R2P is much more than just an ordinary military operation tasked to protect civilians. Second, R2P supports the use of force in extreme cases. Indeed, R2P permits the international community to use a military instrument as a last resort. Yet, this is not to say that the use of force is the only sufficient method in protecting civilians and thereby should be prioritised. A worsening situation may or may not necessitate a military solution but R2P has been operating under the assumption that military intervention might more likely bring hardship and disadvantage. Third, R2P is only beneficial to weak countries and adversaries. This is highly inaccurate since R2P does not recognise hierarchical structures in humanitarian intervention. The concept of R2P adopts egalitarian principles whereby no country in the world is immune to the pressure wielded by the international community in R2P. Fourth, R2P covers all human protection issues. While this sounds ideal and promising, according to the Resolution adopted by the General Assembly on 2005 World Summit (Article 138), R2P's working sphere is currently focusing on four extraordinary crimes, namely genocide, war crimes, ethnic cleansing, and crimes against humanity.²⁶ As a result, R2P does not cover issues of every category within the realm of 'human security' such as disease outbreak, climate change, natural disaster, and so forth. Last, the Iraq War of 2003 can be considered as an example in which R2P was in operation. As mentioned earlier, several case

(2013); and Andreas Krieg, *Motivations for Humanitarian Intervention: Theoretical and Empirical Considerations* (London: Springer, 2013).

24 Gareth Evans and Mahmoud Sahnoun, 'The Responsibility to Protect', *Foreign Affairs*, 81/6: 99–110 (2002), p. 101.

25 Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington DC: Brookings Institution, 2008), pp. 56–71.

26 United Nations General Assembly, '2005 World Summit Outcome', 60th session, 24 October 2005, https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf, accessed 21 January 2019.

studies of humanitarian intervention demonstrate that hidden political agendas often overshadow the mission and this has been also quite the case in Iraq. The unilateral action and deep involvement of the US signalled strongly that the battle clearly served much of the American stakes evident in its need to single-handedly wage and fight the war.

This article takes a closer look mainly at the first and second misunderstanding. It is important to understand the key features of the R2P, particularly the notion of intervention. In doing so, we should focus on Pillar 2 and Pillar 3 in order to better clarify the concept. This is important since current regional practices in Southeast Asia do not necessarily allow any external intrusion on domestic affairs. With respect to Pillar 2, there are four underlying principles, namely equal sovereignty, collective responsibility, common principles of assistance, and partnership.²⁷ The first principle is a reminder to the government that R2P aims to *reinforce sovereignty* instead of undermining it. As stated previously, unlike humanitarian intervention in which greater states impose demands on the lesser one, R2P recognises equality among states. The second principle is giving opportunity to conduct intervention not to third parties but rather to *various actors* in assisting the government to protect its people. Thus, the scheme actually offers inclusiveness to those involved. The third principle is giving priority to *domestic actors* in assisting mitigation of mass atrocities. The last principle provides strategies to build international collaboration among various actors. This entails *a greater role for actors who have trust, proximity, legitimacy, and capacity*. Equally important are states that are closer to events, and thus have knowledge about culture and history of the state and directly affected by the events — primarily neighbouring countries — as the most effective channel to deliver assistance.

These four guiding principles are irrelevant with political issues. Under the approach of R2P, international actors are focusing on aiding states to ensure that civilian protection is in place, while changing the political system or interfering with the domestic decision making process has certainly never been prescribed by the concept. The Report also contains the detail of forms of assistance under Pillar 2. Three categories of assistance comprise encouragement, capacity building, and the provision of additional capacity or expertise.²⁸ Encouragement includes the attempt to raise awareness and norm dissemination through public dialogue or quiet diplomacy that stresses the importance of

27 United Nations General Assembly, 'Fulfilling Our Collective Responsibility: International Assistance and the Responsibility to Protect', 68th session, 11 July 2014, <http://responsibilitytoprotect.org/N1446379.pdf>, accessed 21 January 2019.

28 United Nations General Assembly, 'Fulfilling Our Collective Responsibility'.

civilian protection. Capacity building puts more emphasis on creating legitimate and effective governance as well as establishing institutions that can play a role as ‘inhibitors’ and ‘watchdogs’ to atrocities. However, it may be part of the problem instead of the solution because if the government itself inhibits the establishment of ‘good’ governance, then it does not make sense to offer institution building in the targeted country.²⁹ In addition, international actors can also provide assistance if requested by the government. This is also problematic in implementing R2P given the fact that the government itself is the perpetrator of mass atrocities.

In terms of Pillar 3, the debate over the need to use coercive measures in response to the failure of the government to protect its people has created much controversy and captured major attention. As widely understood, the utilisation of military intervention to prevent mass atrocities is ‘the most controversial operational aspect to the R2P’.³⁰ Yet, our focus here is not on this issue but more on the humanitarian side of the R2P framework. Thus, this is the question we need to address: is there any compatibility between R2P and humanitarian aid? Existing literature tends to argue that R2P accommodates humanitarian action, for instance, the statement of Ban Ki-moon in his report to the UN General Assembly entitled *Responsibility to Protect: Timely and Decisive Response* which provides a detailed elaboration of Pillar 3 of R2P. Ban pointed out that, “humanitarian” action plays a critical role in protecting populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Humanitarian agencies can help to protect populations and shield them from some of the worst effects of displacement. As such, humanitarian action is a critically important part of any “timely and decisive” response’.³¹ It is clear that Ban refers to ‘humanitarian agencies’ associated with non-state actors such as ICRC (International Committee of the Red Cross), OCHA (United Nations Office for the Coordination of Humanitarian Affairs), HRW (Human Rights Watch), Amnesty International, and so on. It excludes state actors conducting humanitarian actions. However, if we refer to the basic tenet of R2P — protecting people from mass atrocities — then humanitarian aid conducted by state actors is applicable. The International Commission on Intervention

29 Adrian Gallagher, ‘The Promise of Pillar 11: Analysing International Assistance under the Responsibility to Protect’, *International Affairs*, 91/6: 1259–1275 (2015), pp. 1271–1272.

30 Daniel Fiott, ‘The Use of Force and the Third Pillar’ in Daniel Fiott and Joachim Koops (eds.), *The Responsibility to Protect and the Third Pillar: Legitimacy and Operationalization* (New York: Palgrave Macmillan, 2015), p. 130.

31 United Nations General Assembly, ‘Responsibility to Protect: Timely and Decisive Response’, 66th session, 25 July 2012, http://www.globalr2p.org/media/files/unsg-report_timely-and-decisive-response.pdf, accessed 21 January 2019.

and State Sovereignty (ICISS) report highlights that '[T]he substance of the responsibility to protect is the provision of life-supporting protection and assistance to populations at risk'.³² In other words, what matters is the objective of the aid rather than who the actor is.

From this perspective, the practice of humanitarian aid falls within the logic of response under Pillar 3 of R2P. Hugo Slim argues that both humanitarian action and R2P focus on spotting and reducing the risks of violence against human rights.³³ Pillar 3 of R2P aims to protect the population from suffering certain conditions following mass atrocities. Unlike the 2nd Pillar that emphasises assistance to the government, the concern of humanitarian aid focuses on the victim. Like the 2nd Pillar, humanitarian aid within the framework of Pillar 3 does not breach sovereignty in the Westphalian sense. Although there is abundant evidence that humanitarian aid has often been overshadowed by political interests of donor states,³⁴ it does not aim to interfere in the domestic political affairs of the targeted countries. For example, India's humanitarian aid program under the R2P framework does not conform to the traditional principles of humanitarianism under the Geneva Convention — independence, neutrality, and impartiality — but rather non-interference, partnership, and mutual reciprocity as it was conducted with consent from the host state and through a bilateral channel.³⁵ Thus, humanitarian aid is the responsibility to respond without intervention. The international community should take the non-interference principle seriously when it comes to the implementation of R2P in Southeast Asia. The following section demonstrates that conventional measures taken by the West in response to human rights violations in Myanmar did not consider this principle.

32 International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001), p. 17.

33 Hugo Slim, 'Saving Individuals from the Scourge of War: Complementarity and Tension between R2P and Humanitarian Action' in Alex Bellamy and Tim Dunne (eds.), *The Oxford Handbook of the Responsibility to Protect* (New York: Oxford University Press, 2016), pp. 545–560.

34 See, for example, Eric Belgrad, 'The Politics of Humanitarian Aid', in Eric Belgrad and Nitza Nachmias (eds.), *The Politics of International Humanitarian Aid Operations* (Westport: Praeger, 1997), pp. 3–18; S. Neil MacFarlane and Thomas Weiss, 'Political Interest and Humanitarian Action', *Security Studies*, 10/1: 112–142 (2000); Devon Curtis, *Politics and Humanitarian Aid: Debates, Dilemmas, and Dissensions* (London: Overseas Development Institute, 2001).

35 Urvashi Aneja, 'India, R2P and Humanitarian Assistance: A Case of Norm Containment', *Global Responsibility to Protect*, 6/2: 227–245 (2014), p. 242.

2 The Anarchy of International Punishment to Myanmar

It is undoubtedly clear that the principle of non-interference inhibits the operationalisation of R2P in Southeast Asia. The principle has become an important aspect of the ASEAN arrangement that places sovereignty as the most-respected guiding norm to ASEAN member states. The reason behind such a strong attachment to the principle of non-interference can be traced to its origins in the colonialisation period of the region. The occupation by European powers which lasted for centuries created a deeply-rooted strong sensitivity towards anything external that may possibly exercise territorial control and political influence. Because of this, upon their independence, the people of Southeast Asia have been understandably resistant to foreign intervention and place sovereignty as one of the most important elements in statemanship.

The ASEAN principle of non-interference has four main aspects: refraining from criticising other countries, criticising states that have breached the non-interference principle, refraining from supporting rebel groups in neighbouring countries, and providing political and material assistance to member states.³⁶ For many scholars and commentators, non-interference has served as a scapegoat for ASEAN's reluctance in taking actions on many critical issues, ranging from transnational crimes to human rights abuses. In a number of cases, non-interference does not represent either normative nor national interests of ASEAN member states, rather it is 'upheld or ignored in line with with the interests of the region's dominant social forces in maintaining particular social and political orders'.³⁷ In other words, there is actually no consistency in the implementation of the non-interference principle by ASEAN member states. Even then, it remains the biggest challenge for the operationalisation of R2P in dealing with violence in the region. This is the reason why the international community should take this principle very seriously.

The issue of human rights violation in Myanmar has been widely addressed from both academic standpoints and practical settings. There have been abundant strategies in terms of stopping governments from committing violence to their citizens, particularly the Rohingya people. While ASEAN countries seem reluctant to respond, the international community, especially Western liberal countries, have been actively engaged in forcing the Myanmar government to reform its repressive policies. The challenge, however, is that the existing

36 Amitav Acharya, *Constructing Security Community in Southeast Asia: ASEAN and the Problem of Regional Order* (London: Routledge, 2001), p. 58.

37 Lee Jones, 'ASEAN's Unchanged Melody? The Theory and Practice of "Non-interference" in Southeast Asia', *Pacific Review*, 23/4: 479–502 (2010), p. 480.

approach employed by the West against Myanmar reflects power politics as opposed to offering peaceful values and norms customarily found in R2P's approach such as equality, collectivity, and partnership. The Western strategies in Myanmar thereby seemingly rest on the political agenda of promoting democracy and human rights instead of protecting civilians from a brutal government by using megaphone and coercive diplomacy. Western powers are much more interested in forcefully conditioning the Myanmar government to comply with human rights norms. In connection to this, liberal powers are known to employ two different but complementary strategies, namely 'naming and shaming' and sanctions. Naming and shaming is 'the process of exposing, publicizing, and condemning human rights abuses.'³⁸ In international politics, naming and shaming is a strategy of 'social pressure' that is distinct from physical threats such as economic sanctions and military intervention in order to push the targeted country to comply with international norms.³⁹ In their study on Transnational Advocacy Networks (TAN), Keck and Sikkink elucidated the strategy of 'mobilization of shame in order to gain moral leverage from more powerful actors.'⁴⁰

Following the tragic events in Rakhine State in August 2017 where more than 680,000 people were displaced and fleeing to neighbouring countries, the US has condemned the Myanmar government and called it 'ethnic cleansing'. US Secretary of State Rex Tillerson stated, '[A]fter a careful and thorough analysis of available facts, it is clear that the situation in northern Rakhine state constitutes ethnic cleansing against the Rohingya.'⁴¹ In the report on the atrocities in Northern Rakhine State, the US government states that the violence was 'extreme, large-scale, widespread, ... well-planned and coordinated'.⁴² As targeted sanctions were imposed following the ethnic cleansing in August 2018, Sigal Mandelker, a senior Treasury Department official asserts that his government 'will continue to systematically expose and bring accountability to human rights abusers in this region and many others and greatly appreciate the efforts

38 Suzanne Katzenstein, 'Reverse-Rhetorical Entrapment: Naming and Shaming as a Two-Way Street', *Vanderbilt Journal of Transnational Law*, 46/4: 1079–1099 (2013), p. 1079.

39 See H. Richard Friman, *The Politics of Leverage in International Relations: Name, Shame, Sanction* (New York: Palgrave Macmillan, 2015).

40 Keck and Sikkink, *Activist Beyond Borders*, p. 23.

41 BBC, 'Rohingya Crisis, US Calls Myanmar Action "Ethnic Cleansing"', 22 November 2017, <https://www.bbc.com/news/world-asia-42084895>, accessed 22 January 2019.

42 US Department of State, 'Documentation of Atrocities in Northern Rakhine State', August 2018, <https://www.state.gov/documents/organization/286307.pdf>, p. 2, accessed 22 January 2019.

of civil society who are doing the same'.⁴³ Likewise, UN human rights chief Zeid Raad Al Hussein called the military operation against the Rohingya people 'a textbook example of ethnic cleansing'.⁴⁴

Similar language is also expressed by other Western governments. The UK Minister for Asia and the Pacific Mark Field in his statement maintains, '[T]he UK government has recognized that there has been ethnic cleansing, and indeed that what occurred may amount to genocide or crimes against humanity' though pleading that the notion of genocide can only be declared by a court, not government officials.⁴⁵ The notion of 'ethnic cleansing' is also expressed by the European Union (EU). Referring to the European Parliament resolution on 14 June 2018, the EU '[S]trongly condemns the attacks in Myanmar against the Rohingya, which according to the UN High Commissioner for Human Rights amount to ethnic cleansing; is deeply concerned at the increasing gravity and scale of human rights violations'.⁴⁶ As the leading promoter of human rights, Western powers are highly concerned about the tragic events in Myanmar. They all concur that extraordinary crimes have indeed taken place in Rohingya and express this uniformly by labelling the Myanmar government as the perpetrator of serious crimes.

Aside from naming and shaming, a typical strategy of Western powers to enforce international norms upon their targeted countries is by imposing sanctions, either political or economic ones. Although there has been abundant evidence revealing the ineffectiveness of economic sanctions in dictating states' policy formation, it remains a popular method of 'international punishment' among others.⁴⁷ From conceptual standpoints, sanctions are made possible by the existence of power imbalance (a realist's premise) combined with stronger legitimacy derived from structural position in international politics (a neoliberal institutionalist's premise) which allows the dominant powers to

43 US Department of the Treasury, 'Treasury Sanctions Commanders and Units of the Burmese Security Forces for Serious Human Rights Abuses', 17 August 2018, <https://home.treasury.gov/news/press-releases/sm460>, accessed 22 January 2019.

44 BBC, 'Rohingya Crisis: UN Sees "Ethnic Cleansing" in Myanmar', 11 September 2017, <https://www.bbc.com/news/world-asia-41224108>, accessed 22 January 2019.

45 Foreign and Commonwealth Office of the United Kingdom, 'Minister for Asia Makes a Statement to the House on the Rakhine Crisis in Myanmar', 17 April 2018, <https://www.gov.uk/government/speeches/minister-for-asia-makes-a-statement-to-the-house-on-the-rakhine-crisis-in-myanmar>, accessed 22 January 2019.

46 European Parliament, 'Situation of Rohingya Refugees, in Particular the Plight of Children', 14 June 2018, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2018-0261+0+DOC+PDF+Vo//EN>, accessed 22 January 2019.

47 Kim R. Nossal, 'International Sanctions as International Punishment', *International Organization*, 43/2: 301–322 (1989), p. 303.

exercise authority 'to command subordinates to perform certain actions and, because the commands are rightful, the ruled have a duty to comply'.⁴⁸ Thus, the imposition of political and economic sanctions upon Myanmar reflects an anarchical order drawn upon by Western political powers in which less powerful states must comply with the demands of the greater ones. In an anarchic international order characterised by domination, 'the more powerful states seeks to dominate, control, or govern others through coercion. By threatening and punishing others who do not comply, the dominant state forces them to accede to its rules and other demands'.⁴⁹

The history of US sanctions against Myanmar began in 1989 following the violent suppression of democratic protesters by the military junta. However, the tighter sanctions were imposed in 2003 through the *Burmese Freedom and Democracy Act* (BFDA). It stated that the State Peace and Development Council (SPDC) ruled by the military junta failed to transfer power to the National League for Democracy (NLD) led by Aung San Suu Kyi although she had won the elections. The military junta was also accused of committing horrendous human rights violations and ethnic cleansing against its citizens and minorities.⁵⁰ In response to that, the US government applied an embargo and froze the assets of Myanmar officials responsible for the casualties although later in 2012 Barack Obama decided to ease economic sanctions in response to governmental reforms.

Following the displacement of more than 600,000 refugees in 2017, the US government decided to reimpose targeted sanctions against individuals directly linked to the tragedy. According to the US Secretary of Treasury Steven T. Mnuchin, the sanctions reflect the US' commitment to punish 'those who abuse human rights, perpetrate corruption, and undermine American ideals'.⁵¹ In August 2018, targeted sanctions hit four commanders of the Burmese military and Border Guard Police (BGP) and two Burmese military units.

While the US focuses entirely on targeted sanctions, the EU combines trade and targeted sanctions. Originally, the EU had been maintaining an arms embargo on Myanmar since the 1990s. In response to the lack of progress on democratisation and the continuation of human rights violations in Myanmar,

48 David Lake, *Hierarchy in International Relations* (Ithaca: Cornell University Press, 2009), p. 8.

49 David Lake, 'Domination, Authority, and the Forms of Chinese Power', *Chinese Journal of International Politics*, 10/4: 357–382 (2017), p. 359.

50 US Congress, 'Burmese Freedom and Democracy Act of 2003', 28 July 2003, <https://www.congress.gov/108/plaws/publ61/PLAW-108publ61.pdf>, accessed 24 January 2019.

51 US Department of the Treasury, 'United States Sanctions Human Rights Abusers and Corrupt Actors across the Globe', 21 December 2017, <https://home.treasury.gov/news/press-releases/sm0243>, accessed 24 January 2019.

EU-imposed political and economic sanctions comprised two measures: first, expulsion and withdrawal of military personnel attached to the diplomatic representations of Myanmar in European countries as well as an embargo on arms, munitions, and military equipment. Second, the banning of entry visas for state officials including their family members and the suspension of bilateral cooperation.⁵² In 2013, the EU granted Myanmar trade preferences under the ‘Everything but Arms’ (EBA) initiative, allowing Myanmar to export all its products to European markets except for purchasing weapons and ammunitions. Yet, after the Rohingya crisis, the EU considered withdrawing this policy. EU Trade Commissioner Cecilia Malmstrom asserted that, ‘[T]here is a clear possibility that a withdrawal could be the outcome’.⁵³ Although the sanctions have not been imposed thus far, the impact is predicted to be devastating. Since garments have become a vital contributor to Myanmar’s economy, the EU trade preference withdrawal could harm the livelihood of millions of people in Myanmar. The EU is the largest trading partner for Myanmar’s garments. More than 47 per cent of the products are exported to the EU compared to Japan as the second-largest that only purchased 27 per cent of the products in 2017.⁵⁴ Like the US policy towards Myanmar, the EU sanctions clearly reflect the tendency of Western powers to promote their values — primarily democracy and human rights. Malmstrom explicitly mentioned that the EU trade policy is led by European values and must act when there is ‘blatant disregard of those values’.⁵⁵

Despite intense pressures from the West, there has not been serious impact on Myanmar’s policy concerning human rights issue. The strategy of naming and shaming, for instance, does not really bring much change in the country. Consider the statement of country’s defense minister Lt-Gen Sein Win in response to US and EU’s sanctions against his country: ‘We are not much worried about what other people said [about the sanctions] as we are doing right

52 Stockholm International Peace Research Institute (SIPRI), ‘EU Arms Embargo on Myanmar (Burma)’, 26 September 2018, https://www.sipri.org/databases/embargoes/eu_arms_embargoes/myanmar, accessed 24 January 2019.

53 Cecilia Malmstrom, ‘On Myanmar and Cambodia’, European Commission, 5 October 2018, https://ec.europa.eu/commission/commissioners/2014-2019/malmstrom/blog/myanmar-and-cambodia_en, accessed 24 January 2019.

54 Nan Lwin, ‘EU Trade Preference Halt Would Cause Widespread Harm to Myanmar: Activists, Lawmakers’, *The Irrawaddy*, 16 October 2018, <https://www.irrawaddy.com/news/burma/eu-trade-preference-halt-cause-widespread-harm-myanmar-activists-lawmakers.html>, accessed 25 January 2019.

55 Cecilia Malmstrom, ‘On Myanmar and Cambodia’.

things to defend our country'.⁵⁶ The military government of Myanmar regards the sanctions imposed by Western powers as 'interfering with Myanmar's internal affairs while Myanmar remains prefer to be always independent and neutral'.⁵⁷ Commander-in-Chief of Defense Services Senior General Min Aung Hlaing slammed UN spokesman Farhan Haq for his statement on the alleged hatred in his comment. According to General Hlaing, the UN statement is an 'unsound and undisciplined speech' that restrains Myanmar's nation building as well as 'creating hatred and defaming the state's dignity'.⁵⁸ As long as the government claims that the decision to wage war against Rohingya people is in accordance with state law and constitution, international pressures will fall on deaf ears.

Existing scholarship shows that international pressure on authoritarian states is rarely successful. A study by Lebovic and Voeten concluded that the practice of public shaming in international governmental organisations is purely political.⁵⁹ Publicising states' bad reputation in human rights protection 'rarely is followed by the cessation of political terror and, paradoxically, sometimes is followed by more'.⁶⁰ States use a naming and shaming strategy merely as 'cheap talk' which is highly political in the sense that states would probably condemn gross human rights violations without doing anything thereafter. In addition, although a government could be affected by naming and shaming, they may be unable to control mass killing committed by their agents.⁶¹ Furthermore, international sanctions lack effectiveness, especially in coping with authoritarian governments. Drezner argues that sanctions work

56 *The Irrawaddy*, 'Analysis: How Will the Myanmar Army React to US Sanctions?', 10 November 2017, <https://www.irrawaddy.com/news/analysis-will-myanmar-army-react-us-sanctions.html>, accessed 25 January 2019.

57 Htet Naing Zaw, 'Military Reps Urge Parliament to Counteract Foreign "Interference" over Rakhine Crisis', *The Irrawaddy*, 21 December 2018, <https://www.irrawaddy.com/news/military-reps-urge-parliament-counteract-foreign-interference-rakhine-crisis.html>, accessed 25 January 2019.

58 Pyae Thet Phyoo, 'Senior General Says Critics or Armed Forces Face Cation', *Myanmar Times*, 28 March 2018, <https://www.mmmtimes.com/news/senior-general-says-critics-armed-forces-face-action.html>, accessed 25 January 2019.

59 James H. Lebovic and Eric Voeten, 'The Politics of Shame: The Condemnation of Country Human Rights Practices in the UNHCR', *International Studies Quarterly*, 50/4: 861–888 (2006).

60 Emilie Marie Hafner-Burton, 'Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem', *International Organization*, 62/4: 689–716 (2008), p. 691.

61 Matthew Krain, 'J'accuse! Does Naming and Shaming Perpetrators Reduce the Severity of Genocides or Politicides?' *International Studies Quarterly*, 56/3: 574–589 (2012).

more for allies than adversaries.⁶² A state is designed to resist external pressures. The ruling power would rather willingly maintain their national interests instead of giving in to international punishment.⁶³ A recent study also concludes that the typical strategies of the US to promote human rights abroad 'end up doing more harm than good'.⁶⁴

To conclude, the tendency of Western powers to punish Myanmar using both the naming and shaming strategy and international sanctions reflects the anarchical structure of international politics. The West claims that their values and norms are universal and must be respected by any government. Otherwise, they will resort to punishment until the targeted countries comply with those values and norms. It is evident that Western approaches do not work in Myanmar. Instead of ceasing mass killing, the Myanmar government keeps frequently violating human rights principles against Rohingya people. Furthermore, the enforcement of democracy and human rights in Myanmar leads to a suspicious mindset in Southeast Asian countries where colonialism had existed for centuries. Thus, human rights enforcement in the region requires alternative solutions, giving regional powers more room to act.

3 Double-Barrel Diplomacy: the Case of Indonesia's Soft Approach in Myanmar

Earlier this article has mentioned that R2P does not contradict sovereignty. It is a common misconception to say that sovereignty inhibits R2P. The article argues that when it comes to R2P, it is not the matter of sovereignty but rather *who* the actor is and *how to* implement the program. The former concerns those who take responsibility — either state or non-state — towards implementation. According to the Report of the UN Secretary General, the implementation of R2P requires a greater role for actors who have trust, proximity, legitimacy, and capacity. Not all states can play a leadership role in international politics. Realist and liberal standpoints emphasise the material elements that give privilege to the great powers to play such leadership role. In contrast, constructivists place more emphasis on ideational elements such as reputation, status,

62 Daniel Drezner, *The Sanctions Paradox: Economic Statecraft and International Relations* (Cambridge: Cambridge University Press, 1999).

63 Robert Pape, 'Why Economic Sanctions Do Not Work?' *International Security*, 22/2: 90–136 (1997), p. 93.

64 Seung-Whan Choi and Patrick James, 'Are US Foreign Policy Tools Effective in Improving Human Rights Conditions?' *Chinese Journal of International Politics*, 10/3: 331–356 (2017), p. 352.

identity, and norms rather than material aspects. Realist and liberal perspectives on global leadership fall within the category of 'structural leadership' while constructivism is closely related to 'behavioral leadership'.⁶⁵ With respect to the question of how to implement R2P, it is important to consider in detail the principles within Pillar 2 and Pillar 3. The most important principles are equal sovereignty (Pillar 2) and humanitarian assistance (Pillar 3).

Unlike the Western approach, Indonesia's 'intervention' in Myanmar rests on the principle of prudent and problem-solving diplomacy. Although domestic concerns about the Rohingya massacre are considerably high, the Indonesian government is fully aware of how to deal with the issue at hand. Amidst a strong urge to respond, including cutting diplomatic ties with Myanmar, the Indonesian government does not consider such extreme measures that will affect future bilateral relations between the two nations. These historical experiences play a crucial role in shaping Myanmar's perception towards Indonesia. The relationship between Indonesia and Myanmar has been one of the strongest long-standing alliances the region has ever known.

In the post-World War II period, both countries built the coalition of the Third World to fight against colonialism and imperialism. After attending the Inter-Asian Relations Conference in New Delhi in 1947, Indonesian delegates headed by Prime Minister Sutan Sjahrir visited Myanmar and held a meeting with Prime Minister U Nu. During the revolution against Dutch occupation, Myanmar proposed to organise the Conference on Indonesia in New Delhi, on 20 January 1949, supported by 18 Asian countries. There was also a dramatic moment when Indonesian *Seulawah-001*, the first Indonesian aircraft, could not return to Indonesia due to Dutch military invasion. As a way out, Myanmar rented the aircraft to combat the right-wing rebellion backed by the West and gave permission to establish civil aviation under Indonesian Airways — now Garuda Indonesia, the national flag carrier.⁶⁶ Aside from political interests, there is another side to the Indonesia-Myanmar friendship. Sukarno and U Nu were Third World leaders who had a similar ideological stance. They were charismatic and patriotic figures who synthesised various political and cultural beliefs in their respective countries in order to unite against Western

65 See for example, Ludger Helms, 'Global Political Leadership in the Twenty-First Century: Problems and Prospects', *Contemporary Politics*, 20/3: 261–277 (2014).

66 See Randy Wirayudha, 'Militer Myanmar Sewa Pesawat Indonesia' ['Myanmar's Military Rent Indonesia's Aircraft'], *Historia*, 8 September 2017, <https://historia.id/lainnya/articles/militer-myanmar-sewa-pesawat-indonesia-DnElo>, accessed 26 January 2019; Randy Wirayudha, 'Burma dan kemerdekaan Indonesia' ['Burma and Indonesia's Independence'], *Historia*, 12 September 2017, <https://historia.id/lainnya/articles/burma-dan-kemerdekaan-indonesia-6mmb2>, accessed 26 January 2019.

colonialism. While Sukarno attempted to align Marxism with Islam and nationalism, U Nu synthesised Marxism with Buddhism and nationalism.⁶⁷

During the Cold War, the bilateral relationship between the two countries was tightened. Myanmar had recognised Indonesia's leadership in the region, especially after the establishment of ASEAN in 1967. Indonesia supported Myanmar to be a full ASEAN member in 1997. During his visit to Myanmar, President Suharto expressed his support to the Chairman of the Board for State's Restoration of Law and Order (SLORC) of the Myanmar Union, General Than Shwe, on 22 February 1997. Despite sharp criticism from the West concerning human rights issues in Myanmar, especially with respect to the imprisonment of Aung San Suu Kyi by the military junta, Indonesia and other ASEAN members did not consider it as an obstacle for the full membership status of Myanmar. Indonesian Foreign Minister Ali Alatas asserted that Indonesia will 'uphold the ASEAN spirit which will respect the sovereignty of another state and not interfere in the internal affairs of a state'.⁶⁸ The Myanmar government was very proud to be part of the ASEAN family and Southeast Asia both in spirit and in letter.⁶⁹ In addition, Indonesia had been a role model for Myanmar in terms of political system. Myanmar was very impressed with the longevity of Suharto's presidency. In December 1993, a large delegation of Myanmar's officials led by SLORC visited Indonesia to learn the dual function of the Indonesian armed forces (*Dwi Fungsi ABRI*). There are similarities between two countries with regard to the motivation of military involvement in political sphere. In both countries, armed forces tend to see themselves as "savior" of their respective countries, or "shareholders" of their respective national revolutions' which led them to play an active role in the political arena. In addition, the military also strongly believes that civilian leaders are weak and unable to build a strong government.⁷⁰

These historical records contribute significantly to the degree of trust between two states. On one hand, Myanmar would recognise Indonesia's leadership role in ASEAN as well as its reputation as a responsible stakeholder in managing regional problems in an 'appropriate' manner. Myanmar believes

67 Vijay Prashad, *The Darker Nations: A People's History of the Third World* (New York: The New Press, 2007), p. 49.

68 Kompas, 'President Reconfirms His Support for Myanmar', 23 February 1997, <http://www.burmalibrary.org/reg.burma/archives/199702/msg00375.html>, accessed 26 January 2019.

69 Termsak Chalermphanupap, 'ASEAN's Policy of Enhanced Interactions' in Alexis Rieffel (ed.), *Myanmar/Burma: Inside Challenges, Outside Interests* (Washington DC: Brookings Institution, 2010), pp. 152–153.

70 Ulf Sundhaussen, 'Indonesia's New Order: A New Model for Myanmar?' *Asian Survey*, 35/8: 768–780 (1995), pp. 771–772.

that Indonesia would never breach its sovereignty because Indonesia has good a track record in this regard. On the other hand, Indonesia's foreign policy remains in accordance with the 'free and active' principle that gives priority to act independently without external pressures and is aimed at solving various international problems. On the Rohingya crisis, the objective of Indonesia's foreign policy is twofold. First, promoting democracy and human rights without force. Second, protecting civilian from gross human rights violations and the ensuing impacts.

Promoting democracy and human rights has become Indonesia's foreign policy agenda since the reform era. Democracy is not only a political system, but also a state's identity. Indonesia is proud of being the 'third world's largest democracy' and has been favourable to supporting democracy abroad.⁷¹ In response to the Rohingya massacre, the Indonesian government has been conducting 'quiet diplomacy' to raise Myanmar's awareness on human rights protection as well as democratic governance. In contrast to 'megaphone diplomacy', Indonesia's soft approach rejects the strategy of naming and shaming. From the cultural perspective, publicly talking about others' ill reputations is considered 'taboo' in many Asian societies. Thus, Indonesia neither condemns nor dramatises the Rohingya issue through mass media or multilateral forums. During his last meeting with President Thein Sein before the ASEAN Summit 2014, President Yudhoyono underlined the commitment of Indonesia to promoting democracy and human rights in Myanmar. He went further by saying that Indonesia will not follow Western isolation regarding Myanmar. Rather, Indonesia will be part of solution without employing megaphone diplomacy.⁷² After the mass violence in 2012, Indonesia carried out 'second track' diplomacy. Yudhoyono sent a letter to General Than Shwe three times to persuade him to cease the casualties so that Myanmar could maintain a good relationship with the international community. Yudhoyono pointed out that his policy towards Myanmar reflects the triumph of the 'soft approach' over the 'hard approach'.⁷³ Foreign Minister Marty Natalegawa criticised the Western approach that seems

71 Rizal Sukma, 'Do New Democracies Support Democracy? Indonesia Finds a New Voice', *Journal of Democracy*, 22/4: 110–123 (2011).

72 Detik, 'Gelar Makan Malam Perpisahan, Presiden Thein: Kami Akan Merindukan Anda SBY' ['Give a Farewell Dinner, President Thein: We Will Miss You SBY'], 13 May 2014, <https://news.detik.com/berita/d-2580799/gelar-makan-malam-perpisahan-presiden-thein-kami-akan-merindukan-anda-sby>, accessed 27 January 2019.

73 Antara, 'Myanmar Kenang Peran Indonesia Dalam Proses Demokratisasi' [Myanmar Memorises Indonesia's Role in Democratization'], 12 May 2014, <https://sumbar.antarane.ws.com/berita/97459/myanmar-kenang-peran-indonesia-dalam-proses-demokratisasi>, accessed 27 January 2019.

impatient in dealing with human rights issues in Myanmar. He argued that Indonesia's approach is the best alternative solution since the two nations have a similar historical path. In addition, to Myanmar, Indonesia has been a role model for successful democratic transition. The experience is extended to the Myanmar government by sharing sessions and not by the dictative method commonly exhibited by Western countries.⁷⁴

Indonesia's chairmanship of ASEAN in 2011 brought greater responsibility in managing human rights issues in Myanmar. During his visit to Myanmar in 28–30 October 2011, Marty met with the Chair of the Human Rights Council and civil societies, representatives from the government as well as Aung San Suu Kyi to discuss the prospect of democracy and human rights. The bilateral meeting between Yudhoyono and Thein Sein was held on the sidelines of the ASEAN Summit in Phnom Penh, November 2012. Yudhoyono raised the Rohingya issue and surprisingly Thein Sein welcomed Indonesian assistance in resolving the crisis.⁷⁵

Like his predecessor, President Joko Widodo continues to employ quiet diplomacy in dealing with the Rohingya issue. In contrast to Malaysia that condemns Myanmar for its responsibility of the tragedy, Indonesia stands still and continues to devote itself to the quiet diplomacy approach.⁷⁶ In an exclusive interview with *Channel NewsAsia*, Indonesian Foreign Minister Retno Marsudi asserted that the naming and shaming strategy would not work in addressing the situation and finding a feasible solution. Instead, she argued, '[C]onstructive engagement will be more productive than when we adopt megaphone diplomacy'.⁷⁷ In September 2017, Retno visited Myanmar in response to the heated situation in Rakhine State. In addition to her meeting with Suu Kyi, she met with Myanmar's military officials and urged the settlement of the dispute. Retno conveyed that her visit 'brings the mandate from the Indonesian people to help resolving the humanitarian crisis and also from the international society that hopes for resolving the humanitarian crisis soon'.⁷⁸ The Indonesian

74 Kompas, 'Indonesia Punya Peran Besar di Myanmar' ['Indonesia Has a Big Role in Myanmar'], 3 February 2012, <https://internasional.kompas.com/read/2012/02/03/02250866/indonesia.punya.peran.besar.di.myanmar>, accessed 27 January 2019.

75 Donald Weatherbee, *Indonesia in ASEAN: Vision and Reality* (Singapore: ISEAS, 2013), p. 53.

76 Hoang Thi Ha and Ye Htut, 'Rakhine's Crisis Challenges ASEAN's Non-Interference Principle', *Perspective*, No. 70: 1–8 (2016), p. 5.

77 Channel NewsAsia, "'Constructive Engagement" Needed to Help Resolve Rakhine Crisis: Indonesia FM', 20 January 2017, <https://www.channelnewsasia.com/news/asia/constructive-engagement-needed-to-help-resolve-rakhine-crisis-in-7570766>, accessed 27 January 2019.

78 Channel NewsAsia, 'Indonesian Foreign Minister Retno Marsudi to Meet Aung San Suu Kyi in Myanmar', 3 September 2017, <https://www.channelnewsasia.com/news/asia/>

government claims that their quiet diplomacy in Myanmar has been one of the three Indonesian foreign policy achievements since President Widodo took office in 2014. The quick response and avoidance of megaphone diplomacy 'has apparently won the confidence of the Myanmar government'.⁷⁹ According to Retno, Indonesia has gained trust from Myanmar and Bangladesh to take care of the humanitarian crisis occurring in both countries. This trust is not owned by all countries.⁸⁰ During her visit in Myanmar, Indonesia proposed the '4+1 formula' to solve the crisis, namely, ceasing all kinds of violence, restoring stability and security, protecting all persons in the Rakhine State regardless of race and religion, opening access to humanitarian assistance, and implementing the recommendations of the Advisory Panel Report for the Rakhine State chaired by Kofi Annan.⁸¹

In line with the diplomatic channel, Indonesia also strives to protect Rohingya people from violations. As refugees fled their homes in Rakhine State to neighbouring countries, Indonesia sent humanitarian assistance for the Rohingya. Through 'sarong diplomacy' the Indonesian Red Cross delivered 10,000 sarongs — the traditional cloth of several Southeast Asian countries — along with hygiene kits and blankets to Sitwee. Only two months after the conflict broke out in June 2012, the total amount of Indonesia's humanitarian aid to Myanmar was readily amounting to Rp. 1 billion (approximately US\$ 71,500). In addition, refugee camps were established in Sitwee (Myanmar) and Cox's Bazar and Kutupalong (Bangladesh). In 2013, the Indonesian government pledged US\$ 1 million to build four schools for Rohingya children in Rakhine State. According to Indonesian government officials, the establishment of education facilities demonstrates Indonesia's active role in facilitating reconciliation through the humanitarian approach for education as the instrument to get access to economic resources.⁸² Under the administration of Joko Widodo,

indonesian-foreign-minister-retno-marsudi-to-meet-aung-san-suu-9181862, accessed 4 December 2019.

79 Tama Salim, 'Indonesia Raises Rohingya Concerns with Suu Kyi: Retno', *The Jakarta Post*, 8 December 2016, <https://www.thejakartapost.com/news/2016/12/08/indonesia-raises-rohingya-concerns-with-suu-kyi-retno.html>, accessed 28 January 2019.

80 Kompas, 'Indonesia Menjadi Harapan Penuntasan Konflik Rohingya' ['Indonesia Becomes the Hope of the Rohingya's Conflict'], 7 September 2017. <https://nasional.kompas.com/read/2017/09/07/12230271/indonesia-menjadi-harapan-penuntasan-konflik-rohingya?page=all>, accessed 4 December 2019.

81 *Dhaka Tribune*, 'Indonesia Places 4+1 Formula to Resolve Rohingya Crisis', 5 September 2017, <https://www.dhakatribune.com/world/south-asia/2017/09/05/indonesia-formula-rohingya-crisis>, accessed 4 December 2019.

82 Mohamad Rosyidin, 'Etika Kebijakan Luar Negeri Indonesia dalam Isu Rohingya' ['The Ethics of Indonesia's Foreign Policy in the Rohingya Issue'], *Analisis CSIS*, 44/2: 163–179 (2015), p. 168.

humanitarian assistance to Rohingya people has increased. In September 2017, only two weeks after mass violence in Rakhine State, Indonesia sent 34 tons of aid to Rohingya refugees stranded along the border between Myanmar and Bangladesh. A week later, Indonesia continued to dispatch aid using two cargo planes consisting of supplementary food for toddlers and pregnant women, fast food, tents, blankets, water tanks, and sarongs along with 1 ton package of medicines.⁸³ In January 2018, during his visit to Jamtoli refugee camp in Cox's Bazar district, President Widodo announced that his government will continue to provide humanitarian aid to the Myanmar people. In Jamtoli camps there have been facilities such as a field hospital, school, relief centre, and a pure drinking water supply system which was funded by the Indonesian government.⁸⁴

Although the Indonesian government did not label its policy in Myanmar as R2P, it is obviously clear that the double-barrel diplomacy carried out by Indonesia from the Yudhoyono era until the Widodo presidency falls within the category of R2P. First, Indonesia played the greatest role compared to other ASEAN members in responding to mass atrocities in Myanmar. From Myanmar's viewpoint, Indonesia is the most trusted partner in the region to solve the problem. Indonesia has been privileged to have full access to both diplomatic and humanitarian measures in assisting the Myanmar government to deal with the issue. Indonesia has become a role model for Myanmar so that it can provide political support and advice. Indonesia's preference for quiet diplomacy instead of megaphone diplomacy as exemplified by the West using the naming and shaming strategy and sanctions represents respect for Myanmar's sovereignty. This is consistent with the principle of Pillar 2 of R2P that emphasises equal sovereignty. Second, focusing on humanitarian assistance instead of punishment with the use of force is an effective solution to protect civilians during mass violence. Military intervention would bring counterproductive impacts on the prospect of security and stability in Myanmar and the region as a whole. Thus, Western conventional strategies to promote international norms including R2P are not applicable in Southeast Asia. Since the humanitarian crisis in Myanmar is a regional problem — although it has become a matter of global concern — it demands responsibility of regional actors rather than distant partners.

83 Cabinet Secretariat of the Republic of Indonesia, 'Indonesian Gov't Continues to Send Humanitarian Aid for Rohingya', 21 September 2017, <http://setkab.go.id/en/indonesian-govt-continues-to-send-humanitarian-aid-for-rohingya/>, accessed 28 January 2019.

84 'Indonesia Will Continue Providing Support for Rohingyas', *Dhaka Tribune*, 28 January 2018, <https://www.dhakatribune.com/bangladesh/nation/2018/01/28/indonesian-president-coxs-bazar-visit-rohingya-camp>.

4 Conclusion

The debate over R2P implementation in Southeast Asia has been focusing on Myanmar. The country's strong dependency on the military regime has become a source of trouble for its neighbours.⁸⁵ This article however argues that even then, the international community does not possess the right to enforce any form of governmental interference on other sovereign entities. Like Indonesia's New Order, the ideological stance of Myanmar's military — Tatmadaw — has a 'dual function', which considers the military as a vital part of nation building, state building, and infrastructure building. Thus, military involvement in the political sphere is natural and legitimate.⁸⁶ Given Myanmar's praetorian system, it seems unlikely that R2P will be applicable in Myanmar, especially with respect to human rights violations against Rohingya people.

This article has demonstrated that despite the fact that ASEAN member states adopt the non-interference principle as 'the only game in town', R2P is not so strange for Southeast Asian countries. Although sovereignty is the utmost principle of interstate relations within the region, it does not fundamentally reject R2P. Simply put, R2P can go hand in hand with sovereignty in Southeast Asia, with special focus on the case of Myanmar. However, this implies several important points. First, R2P is a universal norm but its implementation must consider the unique features of targeted countries. There is no such thing as a universal application of global norms. There must be domestic constraints in an effort to promote external values. In this regard, Indonesia's case shows that R2P can be implemented if it is carried out by trusted and legitimate actors so that the targeted country will not deem the action to be suspicious and agenda-bearing. Due to past experiences with colonialism — except for Thailand — Southeast Asian countries have developed strong resistance to external intervention. In Myanmar, for example, political elites have always been suspicious of Western interests and thus tend to easily distrust foreigners. This conservative view remains at a standstill given that Myanmar's elites are typically attached to the structural dictates of their predecessors.⁸⁷

85 Arafat Kabir, 'Myanmar: South Asia's Perennial Troublemaker?' *Forbes*, 6 July 2015, <https://www.forbes.com/sites/forbesasia/2015/07/06/myanmar-south-asias-perennial-troublemaker/#c1994486d081>, accessed 28 January 2019.

86 Aung Myoe, *Building the Tatmadaw: Myanmar Armed Forces since 1948* (Singapore: ISEAS, 2009), p. 173.

87 Narayanan Ganesan, 'Myanmar's Foreign Relations: Reaching Out to the World' in Kyaw Yin Hlaing, Robert H. Taylor, and Tin Maung Maung Than (eds.), *Myanmar: Beyond Politics to Societal Imperatives* (Singapore: ISEAS, 2005), p. 32.

Second, it is more likely that ASEAN will not adopt R2P in the long run. The implementation of R2P in the region does not necessarily require institution-alisation of norms. In other words, R2P would probably be accepted not as a *structural* norm that dictates to ASEAN member states how to protect civilians during mass atrocities but rather as a *practical* norm which is inherent in states' decision making. R2P does not determine foreign policy but foreign policy indirectly reflects R2P. This implies that the Western approach is not applicable in ASEAN when dealing with human rights issues. From the Western point of view, norms create policy. On the contrary, Asia and Southeast Asian countries tend to believe that policy creates norms. Thus, the issue at hand is not how to encourage ASEAN to *adopt* R2P but rather how to *implement* its core principles without going against regional norms. Based on the ideology of universalism, Western powers have a strong tendency to enforce their values on other countries regardless of their cultural differences. This article suggests that in order to succeed, implementing R2P in Southeast Asia would require painstaking understanding of regional cultures. Respecting sovereignty and gaining trust from the targeted country are requirements that must be met before taking any action.