ALAIN GUILLOUX

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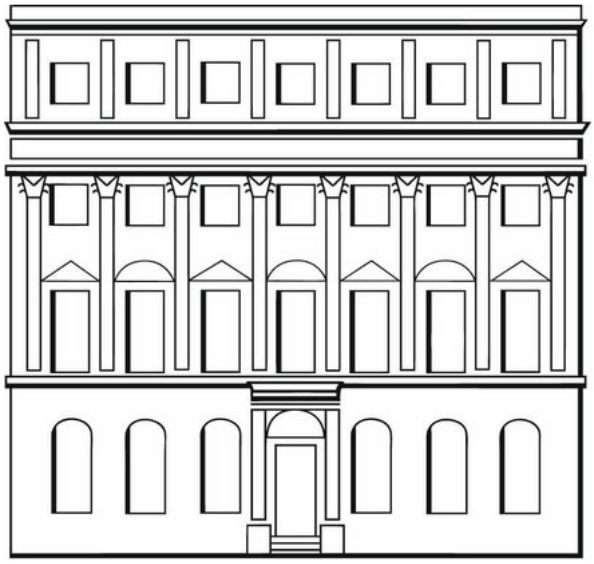

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Alain Guilloux

Asia's involvement in international humanitarian assistance has changed and increased markedly since the 1980s. Several Asian countries and territories, including South Korea, Taiwan, Singapore, and Hong Kong, have moved from the status of aid recipients and beneficiaries to that of aid providers, while Japan has long been one of the main donors of humanitarian assistance. China and India have more recently expanded overseas aid programmes and provided aid, both in cash and in kind, in response to crises such as the HIV/AIDS pandemic in Africa or the 2004 Indian Ocean tsunami. Asian governments and societies, businesses and individuals have responded to natural and man-made disasters in the region and beyond. India, Pakistan, and Bangladesh are the top three troop contributors to UN peacekeeping operations around the world, while China and Japan have warmed to the idea of peacekeeping more recently. Non-profit Asia-based humanitarian organizations, both local and international, have delivered aid around the world in the aftermath of various disasters. In short, Asian countries and societies are playing an increasingly important role in disaster response in the region and beyond.

At the same time, some ambivalence has persisted across the region with regard to the ideas and norms that underpin modern humanitarianism. Sovereignty concerns have generally taken precedence over human rights and illiberal values have informed the views of ruling élites in many parts of Asia. In the lead-up to the 1993 UN Conference on Human Rights in Vienna, Asian governments signed up to the Bangkok declaration, distancing themselves from generally accepted standards of human rights. Ruling élites across Asia have often been more critical of the liberal case for intrusive humanitarianism than their counterparts elsewhere. In the light

of this apparent paradox, how does the region relate to modern humanitarianism? Has Asia contributed to the shaping of global humanitarian governance? If so, to what extent and in what ways?

To answer these questions, I first explore the linkages between 'Asia' and 'global humanitarian governance'. I then look at three periods which I contend are critical in the constitution and evolution of modern humanitarianism: the late nineteenth and early twentieth centuries; the aftermath of the Second World War; and the contemporary, post-Cold War era. My main focus is on the attitudes and responses of Asian states to Western-initiated norms and regimes. I argue that Asia's role in the construction of modern humanitarian governance has been both significant and distinctive. Specifically, Asian countries and societies were important players at each juncture, either in support of humanitarian regimes initiated by Westerners or as critics. I conclude that Asia is likely to further influence the shaping of global humanitarian governance to a significant extent.

Locating Asia in Global Humanitarian Governance

While no region should be taken at face value, Asia—like Europe—is not delineated by clear geophysical borders. Long defined by others as the land mass from which Europe emerged in contradistinction, Asia started defining itself as such in the nineteenth century.[1] Nonetheless, it was an 'elastic' concept.[2]

Enlightenment thinkers re-expressed the original contradistinction of Europe and Asia spelt out by ancient Greece as a set of dichotomies: modernity/tradition, liberty/despotism, capitalism/feudalism, nation state/empire, and so on.[3] In the nineteenth century Westerners' perceptions of Asians were informed by the concepts of civilization, modernization, and Christianity. Asia was identified as the 'other' of Europe in several ways: Christian/non-Christian, modern/pre-modern, civilized/uncivilized, free/

[1] See Amitav Acharya , 'Asia is Not One', *Journal of Asian Studies*, 69/4 (2010), 1001–13; Prasenjit Duara, 'Asia Redux: Conceptualizing a Region for Our Times', *Journal of Asian Studies*, 69/4 (2010), 963–83; Tessa Morris-Suzuki, 'Invisible Countries: Japan and the Asian Dream', *Asian Studies Review*, 22/1 (1998), 5–22.

[2] For a discussion see Morris-Suzuki, 'Invisible Countries'.

[3] Wang Hui, 'The Politics of Imagining Asia: A Genealogical Analysis', *Inter-Asia Cultural Studies*, 8/1 (2007), 1–33.

colonized—or partly subjugated. These perceptions prevailed at the time when modern humanitarianism emerged in Europe.

Nonetheless, Western perceptions of Asia were not entirely dichotomous, nor immutable. For instance, the Ottoman Empire and Russia were seen as part European, part 'Asiatic' powers. Besides, these perceptions could shift. This happened in particular during the Russo-Japanese War of 1904–5, when Japan emerged in Western representations as the more 'civilized' nation.[4] The expansion of modern humanitarianism in Japan, as discussed below, played an important role in this shift.

For the purpose of this essay, Asia is therefore considered as an evolving construct. As European powers and the United States competed for markets, influence, and territorial control, a few Asian countries (China, Japan, Siam, Persia, Afghanistan) managed to remain nominally independent—in spite of unequal treaties, intrusive 'residents', and frequent military interventions. The contributions of these countries to the early stages of modern humanitarianism are discussed in the first part of this paper. Although pan-Asianist visions emerged in the nineteenth century, the main thrust of Asia's modernization and resistance to colonial rule was nationalism. Contemporary Asia lags behind other continents in terms of regional integration, notwithstanding a rich array of subregional institutional arrangements and a long history of initiatives involving non-Asian powers (the Bandung Conference, the Non-Aligned Movement, the ASEAN Regional Forum).

The Asia–Pacific region is the framework within which nationalism and decolonization have been institutionalized since the end of the Second World War. The discussion of responses to the evolutions of the humanitarian order in the twentieth century therefore includes both Asian and Pacific nations.

In the early 1860s the idea of 'global humanitarian governance' would probably have appeared a tall order, if not to Henry Dunant, then at least to the other members of the budding International Committee for Relief to the Wounded, as it was initially known. To what extent does this idea make sense today? Governance generally presupposes some measure of consensus on the norms, principles, and processes necessary to achieve specific outcomes,

[4] John Hutchinson, *Champions of Charity: War and the Rise of the Red Cross* (Boulder, Colo., 1996), 203–24; Rotem Kowner, 'Becoming an Honorary Civilized Nation: The Russo-Japanese War and Western Perceptions of Japan', *Historian*, 64/1 (2001), 19–38.

but no such consensus exists in the field of humanitarian action. For some observers and practitioners, humanitarian action has no other objective than to save lives and relieve immediate suffering; for others, it is also a means of achieving political, military, diplomatic, or other objectives. While the former emphasize the principles of independence, impartiality, and neutrality, the latter find them burdensome if not counter-productive.

My perspective here is that of a long-standing participant in, observer of, and advocate for independent and impartial humanitarian action. Understanding how states contribute to shaping humanitarianism is key to assessing the room for manœuvre open to independent and impartial humanitarian organizations, codified in particular as a 'right of initiative' in Article 3 of the Geneva Conventions.[5] From this perspective, global humanitarian governance may be seen as both a promising analytical framework and a contested project, as noted by Johannes Paulmann in his Introduction to this volume. Whereas some refer to a humanitarian world,[6] others regard humanitarianism as 'the ideology of hegemonic states in the era of globalization marked by the end of the Cold War and a growing North–South divide'.[7] While some outline a humanitarian order,[8] others lament the excesses and failings of disorderly, unbridled humanitarianism.[9] A discussion of these diverse views would go well beyond the limited focus of this essay. Global humanitarian governance is referred to here as the evolving articulation of norms, actors, and processes over a long period, from the 1864 Geneva Convention and the creation of the Red Cross movement to the somewhat confusing array of rules and institutions that characterizes modern humanitarianism.

Reflecting on the rise of Asia and the increased prominence of health issues in global governance, Fidler argues that they are 'overlapping but unconnected developments in international relations'.[10]

[5] For a discussion see Françoise Bouchet-Saulnier, *The Practical Guide to Humanitarian Law* (Lanham, Md., 2002), 360.

[6] Peter Walker and Daniel Maxwell, *Shaping the Humanitarian World* (London, 2009).

[7] B. S. Chimni, *Globalisation, Humanitarianism and the Erosion of Refugee Protection*, RSC Working Paper No. 3 (Oxford, 2000), 3.

[8] Michael Barnett, *The International Humanitarian Order* (London, 2010).

[9] African Rights, *Humanitarianism Unbound? Current Dilemmas Facing Multi-Mandate Relief Operations in Political Emergencies* (London, 1994).

[10] David Fidler, 'Asia's Participation in Global Health Diplomacy and Global Health Governance', *Asian Journal of WTO and International Health Law and Policy*, 5 (2010), 269–300, at 269.

Here I contend that the increased prominence of humanitarian issues in global governance is not unconnected to the rise of Asia: modern humanitarianism prodded Asian states to behave in certain ways, and responses by Asian states contributed to shaping global humanitarian governance. To this effect Asia's role is examined at three key junctures in the evolution of global humanitarian governance.

Asia's Participation in the Creation of the Modern Humanitarian Order

The founders of the Red Cross, the first modern international humanitarian organization, were primarily concerned with the fate of wounded soldiers. They conceived that if warring states agreed to relevant conventions, a new regime—however limited in scope and purpose—could see the light of day. In the mind of its proponents, this new arrangement was intrinsically linked to Christian values and their civilizing effect. No mention was made of others and, at least initially, there was no attempt to enrol non-Western, non-Christian powers in this endeavour.

The principle of universality, a cornerstone of modern-day humanitarianism, was at the time typically seen as a movement from the European core to a periphery yet to be civilized. Henry Dunant himself expended considerable energy convincing European royalty and aristocracy of the value of his initiative. The European nobility and bourgeoisie that Dunant and the newly created Red Cross sought to enrol did not expect 'savages' to grasp the meaning of universality, neutrality, and other key concepts relevant to modern humanitarian action. Even though Asia has a long history of humanitarian thinking and traditions,[11] the project of humanizing war was designed neither for Asian nor for other non-Caucasian people. The emerging humanitarian law and principles were implicitly not

[11] See e.g. Margaret Kosuge, 'The "non-religious" Red Cross Emblem and Japan', *International Review of the Red Cross*, 85/849 (2003), 75–92; B. C. Nirmal, 'International Humanitarian Law in Ancient India', in V. S. Mani (ed.), *Handbook of International Humanitarian Law in South Asia* (New Delhi, 2007), 25–38; Vitit Muntarbhorn, 'The 1899 Hague Peace Conference and the Development of the Laws of War: Asia's Contribution to the Quest for Humanitarianism?', in Timothy McCormack, Michael Tilbury, and Gillian Triggs (eds.), *A Century of War and Peace: Asia–Pacific Perspectives on the Centenary of the 1899 Hague Peace Conference* (The Hague, 2001), 111–38, at 111–12; Sho Konishi, 'The Emergence of an International Humanitarian Organization in Japan: The Tokugawa Origins of the Japanese Red Cross', *American Historical Review* (Oct. 2014), 1129–53.

applicable to them unless and until they had been 'civilized'.[12] European élites were most likely unaware at the time that 'the search for a body of laws to prohibit certain kinds of weapons and to regulate the conduct of warfare is age-old in Asian society'.[13] All twelve signatories to the 1864 Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field were European states. In its early days, the activity of the Geneva Committee was entirely focused on wars between European states. The emerging regime met its first serious challenge with the 1870–1 Franco-Prussian War. Doubts and disagreements arose over the relevance of both the Geneva Convention and the establishment of societies for the relief of wounded soldiers, the discussion of which is beyond the scope of this essay.[14]

In the aftermath of the Franco-Prussian War, and the ensuing disarray which struck the Red Cross idea and movement, several Asian powers expressed interest in the Geneva Convention, thus joining the Ottoman Empire, which had signed it in 1865. Dunant himself, though no longer involved in the workings of the Geneva Committee, personally negotiated Persia's endorsement of the convention in 1873.[15] In the same year a Japanese diplomatic mission met with Gustave Moynier, the Chairman of the International Committee for Relief to the Wounded. Japan signed the Geneva Convention in 1886.[16] In short, some Asian countries expressed support for the humanitarian principles and organizational arrangements Europe itself came close to discarding. In the last decade of the nineteenth century they were joined by China. Asia's interest in, and involvement with, the new humanitarian order was again confirmed when China, Japan, Siam, and Persia were invited to, and took part in, the first Hague Conference in 1899. The conference resulted in conventions on arbitration and restrictions to means of warfare.[17]

To put the novelty of the then emerging humanitarian paradigm in terms of parity between nations, reciprocity, and universality into perspective, it can be contrasted with another emerging regime

[12] Rony Brauman, *La Médecine humanitaire* (Paris, 2010), 16.

[13] Muntarbhorn, 'The 1899 Hague Peace Conference', 111.

[14] For an overview see Pierre Boissier, *Histoire du Comité International de la Croix-Rouge: de Solférino à Tsoushima* (Geneva, 1978), 317–88; Hutchinson, *Champions of Charity*, 126–8.

[15] Corinne Chaponnière, *Henry Dunant: la croix d'un homme* (Paris, 2010), 293–5.

[16] ICRC Tokyo Office, *ICRC Newsletter No. 14* (Winter 2011) ⟨http://www.icrc.org/eng/assets/files/2012/japan-newsletter-eng-vol14.pdf⟩ [accessed 10 Apr. 2014].

[17] Muntarbhorn, 'The 1899 Hague Peace Conference', 113.

at the time: the International Sanitary Conventions. The ISC were meant to better co-ordinate public health measures and, in particular, streamline quarantine procedures in the aftermath of massive cholera outbreaks in Europe in the 1830s and 1840s. The International Sanitary Conventions made the notification of outbreaks of three contagious diseases mandatory: cholera, plague, and yellow fever.[18] There were obvious biases in the Conventions. Britain and France, two of the major powers of the day, sought to minimize any disruption to their trading interests. They blamed 'Asiatic' powers, namely, Persia and the Ottoman Empire, for epidemic outbreaks, and conveniently forgot to mention India, at the time under British colonial rule. In addition, to avoid embarrassing European powers, the ISC made no mention of malaria, still endemic in parts of Europe at the time.[19] The new humanitarian principles, while overlooking the colonial issue entirely, presented a less obviously biased and a more even playing field, at least among sovereign nations.

Asia was also a key stage on which the relevance of new humanitarian principles and organizational arrangements was tested at the turn of the twentieth century. The 1894–5 Sino-Japanese War saw a quickly modernizing Japan prevail over China. Nonetheless, Western military observers were unimpressed. They perceived Japanese soldiers as 'feminine' and concluded that Japan's modernizing efforts would be tested seriously only if and when Japan had to fight a European or Western power. The opportunity arose ten years later when Japan and Russia went to war in 1904–5. Japan's resounding victory led to a radical change in Western perceptions.[20]

Remarkably, the Russo-Japanese War led Western military observers not only to revise their perceptions of the Japanese, but also to rethink the organization of national Red Cross societies.[21] The same Japanese soldiers who had been perceived as 'feminine' ten years earlier now appeared to be fearless, well-trained, and well-organized fighters. They were also seen as compassionate, treating Russian prisoners-of-war in what was perceived as the most civilized manner.[22] Western observers took particular note of the

[18] Javed Siddiqi, *World Health and World Politics* (London, 1995), 14–18.
[19] Ibid.
[20] Kowner, 'Becoming an Honorary Civilized Nation', 24–5.
[21] Hutchinson, *Champions of Charity*, 209–24.
[22] Kowner, 'Becoming an Honorary Civilized Nation', 26–9.

selflessness, patriotism, dedication, and effectiveness of Japanese nurses deployed by the Japanese Red Cross.[23]

Between the 1894–5 Sino-Japanese War and the 1904–5 Russo-Japanese War, Japan strove to change Western perceptions and sent representatives to both Europe and the United States. As a result of these public relations efforts, the Japanese were perceived as more civilized and modern than other Asians. In contrast, Gustave Moynier, at the time President of the International Committee for Relief to the Wounded, wrote that he did not believe the Chinese were 'civilized enough' to observe the Geneva Convention.[24]

Three interrelated themes stand out: modernization, nation-building, and global status. Nation-building was key to modernization. The emerging humanitarian order was also regarded as a modernizing process, and the concept of a national Red Cross society, uniting local chapters, contributed to nation-building. Modernization was a necessary step for nations aspiring to higher status in international society. Both Japan and China sought to achieve all these objectives, in particular, by the adoption of the new humanitarian 'etiquette'. Keen to reach parity with European colonial powers, Japan endorsed the new humanitarian regime while going on to colonize other Asians, regarded as 'uncivilized'. Japan consciously adopted the dual approach displayed by Europeans: on the one hand, humanitarianism meant 'civilized' rules of engagement in wars with powers with which it sought parity or to which it now considered itself to be equal; on the other hand, Japan referred to the duty to 'civilize' other, pre-modern societies and countries via the colonial project. In short, the emerging humanitarianism represented a challenge to some Asian powers, but also an opportunity to enhance their status.

In response to both the challenge and the opportunity, Japan rallied around the humanitarian idea and the creation of a national Red Cross society. This was carried out as an exercise in nation-building, with local chapters building up as mass movements, and the Emperor as head and sponsor of the new organization. By the turn of the century, the Japanese Red Cross had become a mass organization with the highest number of members of all Red Cross

[23] Aya Takahashi, *The Development of the Japanese Nursing Profession* (London, 2004), 84–91.

[24] Moynier, cited in Boissier, *Histoire du Comité International de la Croix-Rouge*, 420.

societies.[25] The Japanese Red Cross was also tightly integrated with the military's health service and in a position to provide relevant assistance to the wounded.[26] Japanese nurses were praised for their dedication in tending to wounded soldiers.[27] Under orders from the Japanese commander-in-chief on the front, Japanese soldiers were instructed to take good care of Russian prisoners, whether on land after the fall of Port Arthur, where 72,000 Russian soldiers were taken prisoner, or at sea following the shock defeat of the Russian Baltic fleet at the Battle of Tsushima.[28]

Changes in perceptions also resulted from conscious efforts by Japan to avoid the repeat of stereotypes, such as Kaiser Wilhelm II's mention of the 'Yellow peril', heard in the aftermath of the Sino-Japanese War. To this effect, Western military observers and correspondents were invited to report on the war, though access to the front lines remained tightly controlled. The handling of prisoners and wounded soldiers was a unique opportunity to demonstrate Japanese 'soft' power, its technological and organizational advances, and its humane credentials. Western military observers and attachés, as well as war correspondents, were so impressed that Japan managed to reverse earlier perceptions and gain access to the club of 'civilized' nations, at the expense of Russia. European and American observers also drew lessons from the Russo-Japanese War to enhance the effectiveness of national Red Cross societies, along the lines of the Japanese Red Cross.[29]

Some Chinese diplomats showed a keen interest in modern humanitarianism during the late Qing dynasty and similarly sought to enhance China's international status. Their ambitions were delayed by historical circumstances, including the Boxer Rebellion, interventions by Western powers, and the overthrow of the Qing dynasty. Established in 1904, the Chinese Red Cross was recognized by the ICRC only in 1912. Reeves argues that the creation of the

[25] While this essay takes a state perspective on the rise of humanitarianism in Asia, it would be a mistake to overlook the evolution of Japanese society. The dissemination of humanitarian ideas and practices predated Japan's accession to the Red Cross and happened despite the hostility of Japan's rulers at the time (for a comprehensive discussion see Konishi, 'The Emergence of an International Humanitarian Organization in Japan').

[26] Kowner, 'Becoming an Honorary Civilized Nation', 27.

[27] Takahashi, *The Development of the Japanese Nursing Profession*, 86–9.

[28] Kowner, 'Becoming an Honorary Civilized Nation', 31.

[29] Hutchinson, *Champions of Charity*, 209–24.

Chinese Red Cross was also seen as an exercise in modernization and nation-building, and part of a wider project by Qing statesmen, who 'saw involvement in multilateralism and internationalism as an important direction for China's state-building efforts'.[30]

While modernization meant emulation of Western powers, Asian powers were uncomfortable with the Red Cross symbol, wary of the missionary zeal Westerners had displayed for centuries across the region. Siam, Persia, and the Ottoman Empire expressed unease and sought the recognition of alternative emblems, while Japan and China decided, after careful consideration, to adopt the Red Cross and defend it as a universal emblem with no religious connotations.[31] Unlike Siam, Japan did not 'aspire to international recognition of a protective emblem combining the Red Cross with some other national symbol that did have an undeniable religious connotation'.[32] Japan, in fact, did not raise the emblem issue until the 1929 Geneva Diplomatic Conference, where it 'expressed its willingness to see a plurality of emblems associated with the international Red Cross movement'.[33]

Overall, the involvement of Asian countries and societies in the early stages of modern humanitarianism was notable. Asian countries were among the first to adopt the defining principles and organizational arrangements of modern humanitarianism. Japan in particular significantly influenced humanitarian practice in the late nineteenth and early twentieth centuries. Asian countries were the first non-Western nations to join the emerging humanitarian regime of the late nineteenth century, from the Geneva Conference in 1864 to the Hague Conference in 1907. African countries, almost all subjected to colonial rule at the time, were not invited. Although the Swiss government had invited both Brazil and Mexico to the 1864 Geneva conference, these countries did not set up national Red Cross societies until 1908 and 1909 respectively.[34] Even the United States was comparatively slow to join the fray—long reluctant to

[30] Caroline Reeves, 'From Red Crosses to Golden Arches: China, the Red Cross, and the Hague Peace Conference, 1899–1900', in Jerry Bentley, Renate Bridenthal, and Anand Yang (eds.), *Interactions: Transregional Perspectives on World History* (Honolulu, 2005), 64–93, at 66.

[31] Ibid.; Kosuge, 'The "non-religious" Red Cross Emblem and Japan', 75–7.

[32] Ibid. 75.

[33] Ibid. 77.

[34] International Committee of the Red Cross (2004), *From the Battle of Solferino to the Eve of the First World War* ⟨http://www.icrc.org/eng/resources/documents/misc/57jnvp.htm⟩ [accessed 30 Aug. 2012]; Cruz Roja Mexicana, *Historia* ⟨http://www.cruzrojamexicana.org.mx/?page_id=24⟩ [accessed 29 Aug. 2012]; Cruz Vermelha

sign the Geneva Convention and set up a Red Cross society.[35] The USA did not sign the Geneva Convention until 1882. Hutchinson argues that in the aftermath of the Civil War the United States was wary of, and stayed away from, European schemes.[36]

Mexico was the only Latin American participant in the first Hague Conference in 1899, while all Asian countries not under direct colonial rule took part, with the exception of Afghanistan.[37] To a large extent this also reflected the status of nations, as only 'civilized' nations in the Western sense had been invited by Tsar Nicholas II to the Hague Conference.[38]

The First World War marked the high point of a model of humanitarian assistance tightly integrated with military health services and firmly entrenched in nationalistic values. At the same time, the First World War did not alter the model in significant ways. The League of Nations adopted a restrictive, ad hoc, Eurocentric, and temporary approach to the refugee issue in the inter-war period. Notwithstanding efforts to define refugees in international law, neither the League of Nations High Commission for Refugees nor its successors, the Nansen International Office and the Office of the High Commissioner for Refugees under the Protection of the League, were given universal mandates. In the aftermath of the Bolshevik Revolution the initial focus was on Russian refugees. The mandates of League-related refugee organizations were later expanded to include others—Armenians, Turks, Assyrians, Germans, Austrians, Czechs—as new situations arose.

The Second World War and the Rebuilding of Global Humanitarian Governance

The inter-war period saw the hijacking of national Red Cross societies, first and foremost in Germany and Japan, by regimes no longer informed by the principles of humanity and universality. While these notions had been pillars of the humanitarian order for three-quarters of a century, notwithstanding the massive caveat

Brasileira (2010), *História* ⟨http://www.cruzvermelha.org.br/index.php?option=com_content&view=article&id=81&Itemid=97⟩ [accessed 29 Aug. 2012].

[35] Reeves, 'From Red Crosses to Golden Arches', 70.

[36] Hutchinson, *Champions of Charity*, 226.

[37] Muntarbhorn, 'The 1899 Hague Peace Conference', 113.

[38] Reeves, 'From Red Crosses to Golden Arches', 73.

of colonization, concepts of superiority (racial or otherwise) led to serious setbacks in terms of internationally accepted standards and, in particular, breaches of the 1929 Geneva Conventions.

At its seventeenth international conference in 1948, the Red Cross attributed massive breaches of international humanitarian law by Japan to 'the very considerable differences which existed between Japanese conceptions and Western ideas on the subject of prisoners of war' and attributed them 'chiefly to the survival of certain ancestral ideas, according to which the status of prisoner of war is degrading'.[39] Yet the same country had been at the forefront of the expansion of modern humanitarianism and impressed Western observers with its handling of Russian prisoners a few decades earlier.

Kosuge explored the complexity of Japan's attitude to the Red Cross movement and humanitarian principles during the Second World War. While Japanese combatants were instructed to deal with POWs with humanity, they were also told that 'there should be no lapse into . . . mistaken humanitarianism'.[40] In March 1942 the Japanese Red Cross concurred, and recommended that 'it will be as well to go no further than to respect the spirit [of the Convention]'. On the one hand, Japanese schoolchildren were told of selfless Red Cross nurses taking care of wounded soldiers 'without distinction as to friend or foe'.[41] On the other, 'ancestral ideas' had been reintroduced with a view to highlighting Japan's superiority and maintaining army morale.[42] Japan had not ratified the 1929 Geneva Convention but indicated in 1942 that it would respect its spirit.[43] The staggeringly high death rates of Allied prisoners, especially in the Philippines, forced labour, and other reports of inhumane treatment of POWs suggest Japan massively failed to do so.[44]

After the war, the ICRC reported that in Hong Kong ICRC assistance to needy civilians came to an end in November 1942, when 'the Japanese authorities noted the presence of a large number

[39] International Committee of the Red Cross, *Report of the International Committee of the Red Cross on its Activities during the Second World War (September 1, 1939–June 30, 1947)*, i. *General Activities* (Geneva, 1948), 437.

[40] Tojo, cited in Kosuge, 'The "non-religious" Red Cross Emblem and Japan', 89.

[41] Ibid. 88–91.

[42] Ibid. 90.

[43] Ibid. 91.

[44] See e.g. Gary K. Reynolds, 'U.S. Prisoners of War and Civilian American Citizens Captured and Interned by Japan in World War II: The Issue of Compensation by Japan', Congressional Research Service Report for Congress (2002) ⟨http://www.history.navy.mil/library/online/usprisoners_japancomp.htm#fn66⟩ [accessed 11 Apr. 2014].

of needy Orientals among these recipients of relief, and ordered the delegate to stop this aid and to confine his activities strictly to PW and to interned civilians and their relatives'.[45] Until the capitulation of Japan the ICRC 'was never allowed to give its attention to the Chinese, Indian or Malay prisoners, since they were considered by the Japanese to belong to the "Asiatic sphere of co-prosperity"'.[46] With regard to civilian internees, the ICRC delegate in Hong Kong was similarly 'obliged to refrain from giving assistance to Indian, Philippine, and Chinese nationals'.[47] Asian combatants and civilians were not even regarded as eligible for the consistently low humanitarian standards Japan applied to Caucasians.

Following the collapse of the League of Nations' political, diplomatic, and humanitarian arrangements before and during the Second World War, a new international order emerged with the United Nations Charter in 1945 and the Universal Declaration of Human Rights in 1948. In parallel, a new humanitarian system was codified. Muntarbhorn argues that Asia's contribution to humanitarianism in the twentieth century should be assessed in three key areas: 'the development of laws and/or practices relating to the prohibition of various weapons; the evolution of laws and/or practices for the assistance and protection of victims of armed conflicts; and the imposition of jurisdiction and sanctions against violators of the laws of war'.[48]

While most Asian countries are signatories to the prohibition of various weapons, loopholes remain in terms of implementation, compliance, and verification.[49] The specific legal instruments devised after the Second World War to protect the victims of armed conflicts, in addition to general human rights instruments, are the 1951 Convention Relating to the Status of Refugees (and its 1967 Protocol) and the 1949 Geneva Conventions (with the Additional Protocols, 1977). Initially, the Refugee Convention was meant to address issues of massive population displacements in Europe only. The geographical scope of the Convention was later widened, but signatories were offered the option to limit their involvement—and therefore the applicability of the Convention—to Europe only. Nonetheless, nearly all signatories eventually agreed to the geographical

[45] International Committee of the Red Cross, *Report of the International Committee of the Red Cross on its Activities during the Second World War*, 481.
[46] Ibid. 469.
[47] Ibid. 485.
[48] Muntarbhorn, 'The 1899 Hague Peace Conference', 116.
[49] Ibid. 116–20.

widening of the Refugee Convention. In this regard, Asia's involvement in the refugee regime designed after the Second World War can be characterized as timid, if not reluctant. Of all regions, Asia was the least supportive. Indeed, one could characterize the Refugee Convention as an almost universal regime, were it not for Asia's unenthusiastic response (see Table 1).

Major refugee crises during the Cold War (Palestine, Bangladesh, Indo-China, Afghanistan) thus unfolded in regions where the Refugee Convention enjoyed little recognition. An ad hoc arrangement, the Comprehensive Plan of Action (CPA), was devised in 1989 to address the Indo-China refugee crisis, as most countries in the region were not signatories to the Refugee Convention. The CPA fell short of offering refugees guarantees similar to the stipulations of the Refugee Convention but nonetheless contributed to internalizing parts of global humanitarian governance across South-East Asia.[50]

Similarly, a significant number of Asian states are not parties to the 1977 Additional Protocols to the Geneva Conventions, in particular Protocol II relating to the Protection of Victims of Non-International Armed Conflicts (see Table 2).

This does not mean that Asia withdrew from its earlier commitment to humanitarian principles in the aftermath of the Second World War. All Asian states are signatories to the 1949 Geneva Conventions. They generally accepted the Hague Law as customary law, even though most of them did not take part in the 1899 Hague Convention and following conferences, as they were still under colonial rule at the time. Besides, the argument is sometimes made that signatories may be in breach of what they have formally agreed to, while some non-signatories generally abide by internationally established principles and customary law.[51] This may well be the case in some instances (such as India's profession of good behaviour on the issue of nuclear non-proliferation or the treatment of refugees) but fails to explain why many Asian states were reluctant to endorse the humanitarian norms established after the Second World War.

The legacy of colonization, control of the United Nations by

[50] Alistair Cook, *Operationalising Regimes and Recognising Actors: Responding to Crises in Southeast Asia* (Singapore, 2010); Sarah Davies, 'Realistic yet Humanitarian? The Comprehensive Plan of Action and Refugee Policy in Southeast Asia', *International Relations of the Asia–Pacific*, 8/2 (2008), 191–217.

[51] Muntarbhorn, 'The 1899 Hague Peace Conference', 124.

TABLE 1. *List of Countries which Signed Neither the 1951 Refugee Convention nor the 1967 Additional Protocol*

EUROPE	AMERICAS	AFRICA	PACIFIC	ASIA
Andorra	Barbados	Comoros	Kiribati	Bahrain
San Marino	Cuba	Eritrea	Marshall Islands	Bangladesh
	Grenada	Libya	Micronesia	Bhutan
	Guyana	South Sudan	Niue	Brunei Darussalam
	Saint Lucia		Palau	India
			Tonga	Indonesia
			Vanuatu	Iraq
				Jordan
				DPR Korea
				Kuwait
				Lao PDR
				Lebanon
				Maldives
				Malaysia
				Mauritius
				Mongolia
				Myanmar
				Nepal
				Oman
				Pakistan
				Saudi Arabia
				Singapore
				Sri Lanka
				Syria
				Thailand
				UAE
				Uzbekistan
				Vietnam

Source: UNHCR, United Nations High Commissioner for Refugees, *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol* ⟨http://www.unhcr.org/3b73b0d63.html⟩ [accessed 11 Apr. 2014].

Western powers in the 1950s and 1960s, Western pressure and interventions, and the Cold War may explain, at least in part, Asia's relative reluctance. Post-colonial states were understandably wary of interference from former colonizers. Decolonization was a long process, which many perceived as happening too slowly. This led the

TABLE 2. *Non-Signatories to the Second Protocol Additional to the Geneva Conventions*[a]

EUROPE	AMERICAS	AFRICA	PACIFIC	ASIA
Andorra		Angola	Kiribati	Azerbaijan
		Eritrea	Marshall Islands	Bhutan
		Somalia	Niue	India
			Tuvalu	Indonesia
				Iraq
				Israel
				DPR Korea
				Malaysia
				Myanmar
				Nepal
				Papua New Guinea
				Singapore
				Sri Lanka
				Thailand
				Turkey
				Vietnam

[a] Iran, Pakistan, and the USA are signatories but did not ratify the Second Protocol Additional to the Geneva Conventions.

Source: International Committee of the Red Cross, *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. State Parties* ⟨http://www.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySeI thlected=475⟩ [accessed 11 Apr. 2014].

United Nations General Assembly to set up the Special Committee on Decolonization in 1962. Newborn Asian and African states, and those yet to gain independence, converged around the idea of non-alignment, as expressed at the 1955 Bandung Conference. Solidarity between equals, not intrusive humanitarianism, was endorsed as the preferred and legitimate basis for mutual assistance.

Western control of the UN may also explain in part the reluctance of many Asian countries to join UN-driven humanitarianism. Western powers controlled UN General Assembly votes in the 1950s and 1960s. In addition, Western powers held three of the five permanent seats on the Security Council and until 1971 China was represented by the Taiwan-based Kuomintang, on life support from the United States. Besides, in the initial years of the Cold War the USSR

abstained from participating in the Security Council, leaving the People's Republic of China to face a US-led force sanctioned by the UN Security Council in the Korean War. The Soviet Union quickly reversed its non-participation policy and thereafter supported its allies in the Security Council, which became ineffective for the whole Cold War period, but Western countries still controlled, funded, and staffed UN humanitarian agencies such as UNICEF, UNHCR, and the World Food Programme (WFP). In short, the UN was mostly perceived as partial in the developing world, although this did not prevent some Asian countries, first and foremost India, from participating in UN peacekeeping operations from the start.

But none of these issues was unique to Asia. Asian powers were enmeshed in the Cold War, but so were all others. The Cold War, and its ensuing flow of refugees, also engulfed the Middle East, Africa, and Central America. Muntarbhorn[52] pointed out two possible explanations for Asia's singular reluctance to join the humanitarian system set up in the aftermath of the Second World War: 'excessive attachment to sovereignty and national security' and 'lack of homogeneity within the Asian region'.[53]

Post-Cold War Humanitarian Governance

The global humanitarian system evolved very quickly after the end of the Cold War amid the rapidly changing patterns and processes highlighted in the Introduction to this volume. Asian powers generally remained on the sidelines of the 1991 Gulf War but signed up to UN Secretary-General Boutros Boutros-Ghali's Agenda for Peace in 1992. While several conflicts inherited from the Cold War were successfully solved, new conflicts erupted, in particular, in Yugoslavia, Somalia, and the Caucasus.

Post-Cold War humanitarian governance has been marked by

[52] Mr Vitit Muntarbhorn is an international human rights expert and a professor of law at Chulalongkorn University in Bangkok, Thailand. He was nominated United Nations Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea in 2004, a position he held until 2010. In 2004 he was awarded the UNESCO Prize for Human Rights Education. He also served as the United Nations Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography from 1990 to 1994. See ⟨http://unocha.org/humansecurity/about-human-security/advisory-board/vitit-muntarbhorn⟩ [accessed 11 Apr. 2014].

[53] Vitit Muntarbhorn, 'Traditional Asian Approaches to the Protection of Victims of Armed Conflict and their Relationship to Modern International Humanitarian Law: Commentary', *Australian Yearbook of International Law*, 9 (1980), 207–16, at 215.

four main trends: erosion of International Humanitarian Law standards; massive increase in assistance and peacekeeping operations; regionalization; and the rise of 'humanitarian intervention'. To this should be added the massive increase in the number of non-state actors involved in crisis and disaster response. The erosion of International Humanitarian Law standards was palpable in the decreased understanding of, and respect for, the Geneva Conventions by warring parties, including procedures to determine the status of combatants and respect for Red Cross and Red Crescent emblems. In addition, the protection offered to refugees and other forcibly displaced people was significantly reduced. Refugees quickly lost their image of freedom fighters and appeal to Western audiences following the end of the Cold War. Increasingly unwelcome, they were encouraged to remain within the borders of war-torn countries, where safe havens would be established. The template for the new model was devised in Yugoslavia, and the illusory 'protection' of UN-declared 'safe havens', tragically exposed in 1995 in Srebrenica, was emblematic of this evolution.[54]

In the past two decades the number of refugees has decreased markedly, while the number of Internally Displaced Persons (IDPs) has increased. Wary of the refugee regime from the start, Asia is in this regard a forerunner. As of 2005, Asia hosted fewer than 10 per cent of the world's refugees but more than half of its IDPs.[55] The dire situation of the Rohingyas in Myanmar, for instance, is evidence of the extent to which populations suffer when denied not only assistance, but first and foremost legal existence at a national level as a prerequisite to international protection.[56] Forcibly displaced people are affected throughout the region by a 'low protection' regime, marked by a reluctance to internationalize issues and crises,

[54] 'U.N. Agrees to Declare Bosnian Town a Safe Haven', *New York Times*, 17 Apr. 1993; Karin Landgren, 'Danger: Safe Areas', *Refugees Magazine*, 103 ⟨http://www.unhcr.org/3b5547d64.html⟩ [accessed 11 Apr. 2014]; Médecins sans Frontières, Testimony Presented by MSF during the French Parliamentary Hearing into the Srebrenica Tragedy (28 Mar. 2001) ⟨http://www.doctorswithoutborders.org/article/testimony-presented-msf-during-french-parliamentary-hearing-srebrenica-tragedy⟩ [accessed 11 Apr. 2014]; Jennifer Hyndman, 'Preventive, Palliative, or Punitive? Safe Spaces in Bosnia-Herzegovina, Somalia, and Sri Lanka', *Journal of Refugee Studies*, 16/2 (2003), 167–85.

[55] Michael Smith, 'Better Approaches to Protracted Displacement?', in Howard Adelman (ed.), *Protracted Displacement in Asia: No Place to Call Home* (Aldershot, 2008), 209–36.

[56] Chris Lewa, 'Asia's New Boat People', *Forced Migration Review*, 30 (2008), 40–2; Nehginpao Kipgen, 'Conflict in Rakhine State in Myanmar: Rohingya Muslims' Conundrum', *Journal of Muslim Minority Affairs*, 33/2 (2013), 298–310.

and limited internalization of humanitarian norms with regard to both combatants and civilians. Lastly, in terms of enforcement, five of the seven states which objected to the establishment of the International Criminal Court were Asian.

The number, size, and volume of UN and other assistance and peace operations have increased markedly since the early 1990s. Financial outlays for humanitarian aid have increased from 3 per cent of ODA in the 1970s to more than 10 per cent since 2000.[57] As a result, humanitarianism has sometimes been described as the new paradigm of foreign aid in an era of liberal governance.[58]

Asian countries rank among the largest troop contributors to UN peace operations.[59] India, Pakistan, and Bangladesh have over time been the top three, while China, Japan, and others have increased their participation more recently. Japan has long been a strong financial contributor to disaster relief. Other Asian countries have more recently increased their assistance in both absolute and relative terms but remain poorly connected to Western donors' clubs and efforts to co-ordinate and streamline assistance. Japan was a founding member of the Development Assistance Committee (DAC) of the OECD and Korea joined in 2010. Japan and Korea are also the only two Asian signatories to the thirty-seven-member Good Humanitarian Donorship principles, an initiative aimed at promoting effective and accountable humanitarian assistance. Nonetheless, the impartiality of the assistance, both military and financial, provided by states in response to disasters has been questioned. In particular, such assistance was in some cases seen as tied to the respect of peace agreements.[60]

UN interest in regional security arrangements, specified in the UN Charter but largely forgotten during the Cold War, was revived in Secretary-General Boutros-Ghali's Agenda for Peace (1992).

[57] Peter Walker and Kevin Pepper, 'The State of Humanitarian Funding', *Forced Migration Review*, 29 (2007), 33–5 ⟨www.fmreview.org/humanitarianreform.htm⟩ [accessed 29 Aug. 2012].

[58] Mark Duffield, *Global Governance and the New Wars: The Merging of Development and Security* (London, 2001); Chimni, *Globalisation, Humanitarianism and the Erosion of Refugee Protection*.

[59] United Nations Peacekeeping, *Troop and Police Contributors Archive (1990–2013)* ⟨http://www.un.org/en/peacekeeping/resources/statistics/contributors_archive.shtml⟩ [accessed 11 Apr. 2014].

[60] Fabrice Weissman, 'Sierra Leone: Peace at Any Price', in Médecins sans Frontières and Fabrice Weissman (eds.), *In the Shadow of 'Just Wars': Violence, Politics and Humanitarian Action* (London, 2004), 43–65.

Regional security arrangements and institutions gained prominence and visibility, supplementing an overstretched UN Department of Peacekeeping Operations (DPKO), as the number, diversity, and complexity of peacekeeping operations increased rapidly.[61] Besides, the peacekeeping concept was regarded as inadequate to deal with the conflicts which erupted after the end of the Cold War, as argued in the Agenda for Peace.

Asian regionalism remains weak when compared with other regions and institutions, as no regional security organization encompasses the whole of Asia. This sets Asia apart from other continents. The most comprehensive institution, at least in a geographical sense, is the ASEAN Regional Forum (ARF). In addition to South-East Asian countries, the forum includes in particular China, Japan, Korea, and India. The ARF follows the ASEAN principles of non-interference, non-intervention, and consensus decision-making. ASEAN played an active diplomatic role in the resolution of the Cambodian issue but has had no significant impact on crisis management since then.[62] ASEAN has made very slow progress since the idea of joint disaster response was first endorsed in the Manila Declaration on Mutual Assistance on Natural Disasters in 1976. Notwithstanding numerous declarations and action plans, ASEAN has been largely ineffective in dealing with man-made crises (East Timor, Myanmar) and has displayed limited capacities in handling natural disasters (Indian Ocean tsunami, Cyclone Nargis).[63] In contrast to other continents, Asia has not built any pan-regional institution with a significant capacity or willingness to respond to either natural or man-made disasters.

The 2005 UN General Assembly unanimously endorsed the Responsibility to Protect (R2P). Asian states generally agreed with

[61] See e.g. Muthiah Alagappa, 'Regional Institutions, the UN and International Security: A Framework for Analysis', *Third World Quarterly*, 18/3 (1997) 421–42; John Chipman, 'The New Regionalism: Avoiding Strategic Hubris', in Denny Roy (ed.), *The New Security Agenda in the Asia–Pacific Region* (Basingstoke, 1997), 20–30; Hilaire McCoubrey and Justin Morris, *Regional Peacekeeping in the Post-Cold War Era* (The Hague, 2000).

[62] Jürgen Haacke, 'The ASEAN Regional Forum and Transnational Challenges: Little Collective Securitization, Some Practical Cooperation', in Jürgen Haacke and Noel Morada (eds.), *Cooperative Security in the Asia–Pacific: The ASEAN Regional Forum* (London, 2010), 124–49.

[63] For a discussion see in particular Alain Guilloux, 'Regional Governance and Disaster Response', in Nicholas Thomas (ed.), *Governance and Regionalism in Asia* (London, 2009), 278–300; Christopher Roberts, *ASEAN's Myanmar Crisis: Challenges to the Pursuit of a Security Community* (Singapore, 2010).

the domestic responsibilities of states and prevention efforts but most expressed reservations with regard to the third pillar, which focuses on the responsibility of the international community to intervene, should a state be unable or unwilling to protect its own nationals from grave human rights violations.[64] A resolution adopted by the 2009 UN General Assembly was the first to discuss concrete proposals to implement R2P. Of the sixty-seven sponsors of the resolution, only five were Asian countries (India, Papua New Guinea, Republic of Korea, Singapore, and Timor-Leste).[65]

Major Asian powers displayed different attitudes to military intervention and peacekeeping during the Cold War. Japan constitutionally ruled out any military engagement. China fought the UN intervention in Korea, and then resisted any participation in the UN peacekeeping or humanitarian systems for decades. In contrast, India participated actively in UN peacekeeping operations and intervened on its own in neighbouring countries. Ironically, India was the first country to mount what could be deemed a humanitarian intervention in East Pakistan in 1971, but in the end decided against portraying and defending the intervention as humanitarian in the Security Council.[66] It is therefore notable that China's, Japan's, and India's views of intrusive humanitarianism have, to a significant extent, converged after the end of the Cold War. The 1999 intervention in Kosovo was a turning-point, as Asian countries were reluctant to endorse NATO's intervention in Serbia.[67]

[64] For a discussion of the merits, dilemmas, and ambiguities of humanitarian intervention and the responsibility to protect see in particular Fernando Tesón, *Humanitarian Intervention: An Inquiry into Law and Morality* (Irvington-on-Hudson, NY, 1996); Oliver Ramsbotham and Tom Woodhouse, *Humanitarian Intervention in Contemporary Conflict: A Reconceptualization* (Cambridge, 1996); Ian Holliday, 'Ethics of Intervention: Just War Theory and the Challenge of the Twenty-First Century', *International Relations*, 17/2 (2003), 115–33; Carlo Focarelli, 'The Responsibility to Protect Doctrine and Humanitarian Intervention: Too Many Ambiguities for a Working Doctrine', *Journal of Conflict and Security Law*, 13/2 (2008), 191–213; Allen Buchanan, 'The Internal Legitimacy of Humanitarian Intervention', *Journal of Political Philosophy*, 7/1 (1999), 71–87; Thomas Weiss, 'The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era', *Security Dialogue*, 35/2 (2004), 135–53.

[65] International Coalition for the Responsibility to Protect, *Outcome of July Debate: Adoption of First UN Resolution on the Responsibility to Protect* (2009) ⟨http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/2626-un-resolution-on-the-responsibility-to-protect⟩ [accessed 31 Aug. 2012].

[66] Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford, 2000), 57–77.

[67] Koji Watanabe (ed.), *Humanitarian Intervention: The Evolving Asian Debate* (Tokyo, 2003), 11–15.

Since then, Asian countries have generally opposed military interventions of any guise in the absence of a UN Security Council mandate.

Asia's response to the post-Cold War humanitarian system thus appears to be mixed. Asia preceded the West in its downgrading of normative protection, increased humanitarian assistance, and participation in peacekeeping efforts, but showed very limited enthusiasm for regional responses to crises and disasters. Besides, Asian countries overall remain suspicious of 'humanitarian intervention' in the absence of Security Council approval. How is Asia's attitude likely to evolve?

Conclusion: Whither Asia in the Global Humanitarian System?

Asia as a whole is likely to maintain if not increase its commitments to humanitarian assistance and peacekeeping, an important dimension if Asian powers are to be seen as responsible stakeholders, and to preserve or enhance their status in international society. The quest for improved status was already a key reason, if not the overriding one, for the involvement of Asian powers in the modern humanitarian system. At the same time Asia is likely to remain wary of rule-based or otherwise substantive regionalism in matters of security, as the balance of power in Asia is not conducive to the establishment of a regional security system. Asian views of humanitarian intervention and the responsibility to protect are more complex and may evolve over time, driven in particular by economic growth, globalization, and democratization. Besides, major Asian powers are likely to gain confidence as they rise, thus alleviating fears of Western intervention.

Jia Qingguo argues that four factors shape China's attitude towards armed intervention: 'the nature of the existing international system; China's experience with the outside world in modern times; its international status; and its domestic politics'.[68] It is worth noting that all four factors are not fixed but bound to evolve, in no small part as a result of China's rise and policy choices. This should give China room for foreign policy adjustments in the future, in particular with regard to humanitarian intervention. It is also worth noting that many Asian countries could probably agree that their

[68] Jia Qingguo, 'China', in Watanabe (ed.), *Humanitarian Intervention*, 19–32, at 25.

attitude is also informed by the same four factors—to which they might want to add a fifth one: how to cope with China's rise and what is often viewed as its new-found assertiveness?

China may not necessarily regain its 'former central, preeminent position in the world',[69] but its continued rise could gradually pull the international system away from its current unipolar moment. While China's experience with the outside world was historically marked by Western intervention and subjugation, China's foreign policy is increasingly shaped by its fast economic development, growing overseas investments, expanded trade routes and supply lanes, and the necessity to protect them. Notwithstanding routine professions of non-intervention, these factors have in recent years led China to take a proactive role in anti-piracy naval operations in the Gulf of Aden and the Indian Ocean, and consent to Western intervention in Libya in 2011.

While China's quest for status may push it to accept ever-growing burdens as a 'responsible stakeholder' in the international system and global security governance, this is also true of other Asian powers. Both Japan and China warmed to the idea of peacekeeping to enhance their status internationally.[70] India points out its long-standing contribution to UN peacekeeping in its quest for a permanent seat on the Security Council. Pang Zhongying also argues that China's quest for status is key to understanding its changing attitude towards peacekeeping, from deep suspicion to gradual embrace.[71] In this perspective, the Security Council stamp of approval, which Asian powers insist is a prerequisite to legitimate humanitarian (or other) interventions, looks like a dependent variable as much as, if not more than, an independent one. As they rise, Asian powers will probably have an increasingly significant role in legitimizing such interventions, regardless of the architecture of the Security Council. This suggests that more consultations and bargaining between Western and Asian powers are likely to happen in the future.

Democratization has also contributed to changing public perceptions of the humanitarian intervention theme, in particular in Korea,

[69] Ibid. 27.

[70] Shogo Suzuki, 'Seeking "Legitimate" Great Power Status in Post-Cold War International Society: China's and Japan's Participation in UNPKO', *International Relations*, 22/1 (2008), 45–63.

[71] Pang Zhongying, 'China's Changing Attitude to UN Peacekeeping', *International Peacekeeping*, 12/1 (2005), 87–104.

the Philippines, and more recently Indonesia.[72] Public opinion in these countries, under authoritarian rule for extended periods during the Cold War, is warming to the humanitarian intervention idea. Differences over humanitarian norms and issues no longer separate Asia from the West (or the rest), but run within Asia.

One important aspect of the humanitarian system that still appears to separate Asia from the West is the space open to humanitarian organizations. Asia hosts an increasing number of these, both home-grown and affiliated to international organizations, but the dynamism of this emergent movement is often thwarted by states out of security and sovereignty concerns. Asian humanitarian organizations, notwithstanding their dedication and capacities, face a more constraining environment than Western ones. Across the region, the general trends towards professionalization and secularization noted in the Introduction to this volume remain uneven. Like Asian NGOs in general, humanitarian organizations are often hampered by restrictive, burdensome registration procedures, complex tax and financial regulatory environments, suspicious public opinions, and restrictions on freedom of expression. In addition, the movements and actions of NGOs involved in overseas projects, or issues which interfere with foreign policy, have often been restricted because of sensitive national unity issues or other diplomatic concerns.[73] Notwithstanding the rhetoric, ASEAN has had limited interactions with humanitarian NGOs. Even in Japan, the legal framework for NGOs is recent and the public remains suspicious of, or ambivalent towards, these organizations.[74] All these restrictions have often made it more challenging for Asian humanitarian organizations to gain international exposure and experience. International humanitarian organizations eager to defend or expand spaces for impartial, independent, and neutral action should be mindful of this challenge, as Asian governments and societies are likely to have a growing impact on issues of concern to humanitarians.

[72] Simon Tay and Rizal Sukma, 'ASEAN', in Watanabe (ed.), *Humanitarian Intervention*, 109–33, at 116.

[73] Guilloux, 'Regional Governance and Disaster Response', 293.

[74] Kaori Kuroda, 'Japan-Based Non-Governmental Organizations in Pursuit of Human Security', *Japan Forum*, 15/2 (2001), 227–50; Yukie Osa, 'The Role of Japanese NGOs in the Pursuit of Human Security: Limits and Possibilities in the Field of Refugees', *Japan Forum*, ibid. 251–65.