



AP R2P

Asia Pacific Centre for the Responsibility to Protect

P: +61 7 3346 6449 • E: r2pinfo@uq.edu.au

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From L to R: H.E. Alison Burrows (Ambassador of Australia to the Royal Kingdom of Cambodia), Dr. Surin Pitsuwan (HLAP Chair), Ambassador Pou Sothirak (Executive Director of CICP) and APR2P's Dr. Noel M. Morada.

SPOTLIGHT ON R2P

Phnom Penh Public Seminar:

High Level Advisory Panel's Report on Mainstreaming Responsibility to Protect in Southeast Asia

The Asia Pacific Centre for the Responsibility to Protect (APR2P) and the Cambodia Institute for Cooperation and Peace (CICP) organized a public seminar on the Report of the High Level Advisory Panel on the Responsibility to Protect in Southeast Asia (HLAP) on Mainstreaming the Responsibility to Protect (R2P), in Phnom Penh, Cambodia on 12 August 2015. Former ASEAN Sec-

retary-General Dr. Surin Pitsuwan, who is also Chair of the HLAP, was the guest of honour and keynote speaker at the seminar, which was attended by over 50 local participants, including ambassadors from China, Japan, and Germany, representatives from ASEAN member states, senior Cambodian government officials, representatives from the academe, civil society groups,

and the media. Dr. Noel M. Morada, the Centre's Director for Regional Diplomacy, H.E. Alison Burrows, Ambassador of Australia to the Royal Kingdom of Cambodia, and Ambassador Pou Sothirak, Executive Director of CICP, gave their welcome remarks during the seminar.

Key messages

In her remarks, Ambassador Burrows underscored Australia's commitment to promoting R2P in the Asia Pacific region and in Cambodia in particular. She also stressed that "prevention is at the heart of R2P" and encouraged the Cambodian government to nominate its national focal point as part of implementing its commitment to the principle. For his part, Ambassador



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Pou recalled the commitment expressed by Prime Minister Hun Sen to R2P during his keynote speech in an international conference held in Phnom Penh in February. He also said that Cambodia has a significant role to play in mass atrocities prevention in Southeast Asia, given the country's past experience under the Khmer Rouge. Specifically, Cambodia can take the lead in organizing a regional dialogue on atrocity prevention and in launching a regional network of R2P focal points among ASEAN members.

In his presentation, Dr. Surin Pitsuwan explained the background to the evolution of R2P as a concept following the end of the Cold War and why it is important for ASEAN to start mainstreaming the principle in its effort to building a community of caring societies. Among the key messages that he conveyed to the participants were:

- If ASEAN wants to be the “centre of gravity”, it should be willing “to look around and understand new doctrines, concepts, and what the international community is doing” in order to manage “our global and regional community.”
- While acknowledging the reluctance of some states in the region to embrace the concept because it “contradicts” the traditional norm of sovereignty and non-interference, he stressed that R2P is not an alien principle to ASEAN and East Asia, and complements other principles that recognize the primary responsibility of governments within states, including state sovereignty.
- R2P, which is anchored in international law, “does not supersede the principle of non-interference” especially if one considers Chapters VI and VII of the UN Charter, which ensure that there will be no intervention without authorisation by the UN Security Council.

- In the context of ASEAN's goal of building a caring and sharing community, R2P can contribute to promoting shared values related to protection of human lives, adopting measures to end human suffering, and in building institutions to protect human beings from violence and four crimes covered by R2P.
- R2P as an analytical tool can also make existing mechanisms in ASEAN more effective, such as carrying out the human protection mandates of the ASEAN International Governmental Commission on Human Rights (AICHR), the ASEAN Commission on the Promotion of Protection of Women and Children (ACWC), and the ASEAN Institute for Peace and Reconciliation (AIPR).

Recommendations

Dr. Surin also highlighted some important recommendations in the HLAP Report that could contribute to advancing and implementing R2P in Southeast Asia, to wit:

- Create early warning mechanisms, which are essential in developing and strengthening the capacity of ASEAN to prevent and manage risks of atrocities in the region;
- Promote regional consultations and exchange of knowledge and information;
- Incorporate prevention of atrocity crimes in the agenda of ASEAN, specifically in the AICHR;
- Support the work of civil society groups in the region in promoting human rights protection and advancing the principles of atrocities prevention;



Dr. Surin Pitsuwan giving his presentation at the public seminar

- At the national level, member states of ASEAN should start national dialogues on atrocity prevention and engage relevant stakeholders at home;
- ASEAN member states should also seriously consider signing, ratifying, and implementing relevant treaties, conventions and international law, including the Rome Treaty that created the International Criminal Court;
- Strengthen high level meetings between ASEAN and the UN, specifically holding regular dialogues among officials on peace and security, training and exchange of best practices; and
- Engage the younger generation of leaders in the region in a dialogue on R2P and atrocities prevention inasmuch as they are the future of ASEAN.

In concluding his presentation, Dr. Surin argued that R2P can be viewed from an Asian perspective where the principle is considered as “part of the new concept of human security” where the focus “shifts away from state security, borders, boundar-

ies, territorial waters, the air space, planes and tanks” towards people’s security. He cited the efforts of Japan in mainstreaming human security in its foreign policy agenda and pointed out that this perspective is “less aggressive or intrusive and less controversial.” Human security, which deals with the security of individuals at the grassroots level rather than at the state level, can be linked to R2P as the latter emphasizes the primary responsibility of states to protect their own populations from being at risk of atrocity crimes.

Issues raised by participants

Some of the relevant issues raised by participants during the public seminar’s open forum included: 1) consistency in the application of R2P; 2) whether ASEAN is doing enough to prevent and respond to potential atrocity crime situations in the region; and 3) whether it is the task of the region’s states or the most powerful states to implement R2P on behalf of the international community. In responding to these issues, Dr. Surin stressed the following:

- Consistency in the application of R2P “arises out of a contin-

uum” and where national interests influence the decision of the permanent members of the Security Council in reaching an agreement or adopting a resolution. Although this poses a major challenge, one would hope that R2P as a principle will in the long run be strengthened by “its own logic and necessity for the international community.” In an increasingly interconnected world, many issues “need to be negotiated on a scale that goes beyond the nation state” such as climate change, for example, which cannot be resolved at the national level alone. The same can be said about preventing and responding to mass atrocity crime situations.

- Instruments and mechanisms to protect human welfare are already in place in ASEAN. By mainstreaming R2P, it is hoped that this will give these instruments and mechanism a perspective in addressing human protection issues in Southeast Asia. AICHR, for example, was not created because the UN said so but because people have become increasingly



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aware of the need to have regional mechanisms that would respond to regional problems, such as human rights protection. At the same time, one should recognize that negotiations take time in ASEAN and some members may be reluctant to embrace R2P as a principle. However, it is also important to acknowledge that states have a “moral responsibility” to prevent atrocities such as what happened in Cambodia from happening again in the region.

- There are many options available for the international community to prevent and respond to atrocity crimes. It is important to recognize that regional organizations like ASEAN have a greater responsibility for issues in their own region because they are the ones directly affected. Internal conflicts have become more prominent in many parts of the world than inter-state conflicts. Hence, there is a need to create more regional structures or mechanisms that could effectively implement R2P and promote mass atrocities prevention.

Conclusion

The public seminar in Phnom Penh on the HLAP Report on Mainstreaming the Responsibility to Protect in Southeast Asia is the third in a series organized by the Centre in Southeast Asia after Bangkok (in October 2014) and Jakarta (January 2015) and with the support of a local institutional partner. It is a significant follow up activity in Cambodia after a successful international conference on R2P held in Phnom Penh early this year as it reinforced the value of continuing public awareness campaign in promoting R2P and mass atrocities prevention in the region. It also served as an auspicious occasion to reaffirm the important leading role of Cambodia for advancing the norm in ASEAN and to encourage the Cambodian government to appoint its R2P national focal point and convene a regional network of focal points, in accordance with the keynote speech of Prime Minister Hun Sen in February this year.

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Dr Noel M. Morada
is the Regional Director of
the Asia Pacific Centre for
the Responsibility to Protect

ASIA PACIFIC CENTRE FOR THE RESPONSIBILITY TO PROTECT

Building 91, 54 Walcott Street

School of Political Science
& International Studies

The University of Queensland,
St Lucia Brisbane QLD 4072

P +61 7 3346 6449

E: r2pinfo@uq.edu.au

W: www.r2pasiapacific.org



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