



AP R2P

Asia Pacific Centre for the Responsibility to Protect

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

OCTOBER 2015 • ISSUE 23



SPOTLIGHT ON R2P

Seventh UN General Assembly Informal Interactive Dialogue on the Responsibility to Protect: Responses from the Asia Pacific Region

The seventh UN General Assembly dialogue on the Responsibility to Protect was held on 8 September 2015 in the United Nations in New York, with some 69 member states, one regional organization, and four civil society groups presenting their responses to this year's R2P Report of the Secretary General.

Twelve member states from the Asia Pacific region, including Aus-

tralia and six members of ASEAN participated in the dialogue. Alex Bellamy, Director of the Asia Pacific Centre for R2P, also presented a statement along with three other civil society organizations (Global Centre for R2P, International Coalition for the Responsibility to Protect, and the Canadian Centre for the Responsibility to Protect).

In its statement, the Asia Pacific Cen-

tre underscored the impressive progress that has been achieved in the normative, conceptual, and some institutional facets of R2P's implementation. In the Asia Pacific region, he cited the following as examples: 1) the launching of the High Level Advisory Panel's (HLAP) Report on mainstreaming R2P in Southeast Asia, which was presented in a series of public seminars in Bangkok, Jakarta, and Phnom Penh; 2) Cambodian Prime Minister Hun Sen's statement that his country could take the lead in promoting the R2P in Southeast Asia through regional dialogue on mass atrocities prevention; and 3) the appointment of the Republic Korea's national focal point for R2P.

The Centre acknowledged that there is still much work to be done in advancing the norm in the de-



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cade ahead. In this regard, it recommended the following steps:

“First, develop, and implement, comprehensive strategies for the prevention of atrocity crimes and their incitement. The Secretary-General could take the lead by developing a system-wide UN strategy, but regional groupings and individual countries could also develop and implement their own strategies;

Second, ensure that words and mandates are backed by resources and determined action. The UN continues to struggle to secure the capabilities it needs to fulfill its peacekeeping mandates, to provide sufficient humanitarian relief to the victims of atrocities, and to properly and flexibly resource its peacemaking and peacebuilding activities. We must also confront a global crisis of displacement that requires a global response. It must be underscored that RtoP entails a duty to protect those fleeing atrocity crimes by granting asylum;

Third, do more to recognize and respond to the scourge of sexual and gender based violence and to empower women at all levels to contribute to the fulfillment of RtoP;

Fourth, respond nimbly and flexibly to new types of challenge, when they arise, such as those posed by violent extremists and non-state armed groups;

and Fifth, reflect frankly on our efforts to protect vulnerable populations, recognize – together – where we are falling short, and use our collective wisdom and resources to overcome these challenges.”

In this year’s interactive dialogue, member states from the Asia Pacific generally presented a positive response to the Secretary General’s Annual Report on R2P, which focused on stocktaking on R2P’s development and implementation since its adoption in 2005, emerging challenges to mass atrocities prevention and response, as well as the priorities for its advancement in the next decade.

They also took the opportunity to reaffirm their commitment to R2P and articulate steps for its implementation. Specifically, there were expressions of strong support for awarding priority to the prevention of mass atrocity crimes and concerted efforts

to building the capacity of states to fulfil their primary responsibility to protect populations from genocide, ethnic cleansing, war crimes, and crimes against humanity.

The six member states of ASEAN who participated in the dialogue—Indonesia, Malaysia, Myanmar, the Philippines, Singapore, and Thailand—underscored that prevention is the key to implementing R2P even as some of them also stressed the need to respect state sovereignty, national ownership, and the consent of states in providing assistance for capacity building.

Among the major themes that were covered in the responses of Asia Pacific states to the Secretary General’s Report were:

- Endorsing the Secretary-General’s priority areas for advancing R2P in the next decade, these are:
 - Demonstrating political commitment;
 - Investing in atrocity prevention;
 - Ensuring more timely and decisive responses;
 - Preventing the recurrence of atrocity crimes;
 - Enhancing regional action;
 - Strengthening peer networks.
- The need to continue dialogue about the concept of R2P and its implementation.
- Support for calls for Permanent Members of the UN Security Council to show restraint in the use of the veto in situations involving atrocity crimes.
- Recognition of the important role played by the UN, regional organizations, and civil society groups in advancing R2P and mass atrocities prevention.
- The need to better connect R2P and with other principles and strategies in managing risks of atrocities.

Priority areas for advancing R2P

Australia, Indonesia, and South Korea welcomed the six priority areas identified in the Secretary-General’s Report for advancing R2P in the next decade even as they also recognized that prevention is the key to implementing the norm. Specifically, Australia stated that R2P “is first and foremost about prevention” but if this fails, “timely and decisive response” by the international community becomes necessary. New Zealand recognized the importance of identifying the priority areas in the SG’s Report and underscored “the need to prioritise prevention.”¹

Meanwhile, China underscored the importance of adhering to the principle of “national leadership” as it affirmed the primary responsibility of states in protecting their populations. It also stressed that Member States should “adopt relevant policies and mechanisms in accordance with their national specificities” in implementing R2P. Specifically, it called for states “to invest more in conflict prevention and resolution” and “resolution of disputes through peaceful means such as negotiations and dialogue”, which should be “an important component of implementing R2P and the prevention of relevant atrocity crimes.”² With regard to assistance and capacity building, China pointed out that the international community can “provide constructive assistance and adopt appropriate measures in accordance with situations in countries concerned” and that “the key is to enhance capacity building” by enhancing national institutions, improving judicial assistance, and promoting dialogue and reconciliation. It also warned that human rights and humanitarian assistance can be misused “as a pretext to violate national sovereignty” and thus run contrary to objectives of R2P.³

Indonesia highlighted the importance of atrocity crime prevention and identified some examples to demonstrate its government’s resolve in devoting more efforts in this regard, which include “putting in place a strong normative framework” (e.g., human rights provision in its constitution and laws), “developing and implementing national human rights action plans”, establishing a “strong institutional framework” as part of human rights protection

system, and investing in “building a community of resilience.”⁴ For its part, Thailand expressed support for the need to enhance preventive measures in order to protect people from mass atrocities, underscoring that “respect for human rights as well as equal rights to access justice and development” can help prevent atrocity crimes.⁵ Meanwhile, Malaysia supported the Secretary General’s point that “prevention should become the rule rather than the exception” and pointed out that “failure to act in a timely fashion when action was most needed such as preventing atrocities...has undermined the concept of R2P.”⁶ The Philippines, while affirming that states have the “fundamental duty to protect their own peoples from atrocity crimes, which is part of the rule of law and the basis of state legitimacy, also pointed out that “collective duty to prevent atrocity crimes does not invite ways and means that are outside the ambit of the UN Charter.”⁷

Myanmar also affirmed the primary responsibility of states to protect their populations from atrocity crimes and said that R2P “should be primarily based on national efforts through capacity building within states to cope with their responsibility.” While it recognized that international assistance is important and should “have the consent of states concerned,” Myanmar also pointed out that states “should take a very cautious approach” in the use of the third pillar, specifically the use of force, which could undermine the fundamental principles of the UN Charter and may be “misused or abused...for a certain agenda.” Acknowledging the Secretary-General’s point that no society is immune from atrocity crimes, it also pointed out that “national ownership must be ensured in preventing R2P crimes.”⁸

For its part, Japan announced during the interactive dialogue that it is joining the Group of Friends of R2P and will be appointing its national R2P focal point. The decision came about following a clarification between human security and R2P in a General Assembly resolution in 2012, which eased Japan’s concerns about potential misunderstanding when these concepts are conflated. Meanwhile, South Korea announced that it will be hosting the meeting of the Global Network of R2P Focal Points in Seoul next year and

pointed out that it is the first country in the Asia Pacific to have appointed a national R2P focal point.⁹

Debate on R2P concept and its implementation

Australia pointed out that “some reservations about R2P is about how it is to be implemented and not whether the responsibility exists.” It also argued that it is time for the General Assembly to “formally consider how atrocity prevention can best be implemented by member states” by adopting a resolution in the forthcoming 70th session reaffirming the World Summit Outcome Document statement on R2P and by placing the principle in the formal agenda of the assembly for discussion. Specifically, it argued that the 2005 WSOD gave the General Assembly “the responsibility to take R2P implementation forward and it is time for [it] to formally take up its mandate.”¹⁰ South Korea also supported the Secretary-General in calling for the adoption of R2P in the formal agenda of the General Assembly. Meanwhile, China said that the UN should continue to debate and elaborate on the concept of R2P even as it called on member states “fully implement the World Summit Outcome Document,” which “provides a clear description of the concept of R2P and its scope is limited to four crimes, and nobody should arbitrarily interpret or expand such concept.”¹¹ The

Philippines, for its part, expressed support for continuing dialogue on R2P in the General Assembly, which it considers to be “appropriate forum to discuss the matter.”¹²

While New Zealand and South Korea underscored that R2P has been strengthened over the last decade with the adoption of a significant number of resolutions citing the principle in the Security Council, General Assembly, and the Human Rights Council, some ASEAN member states pointed out that consensus on this principle has not yet been reached (Myanmar), divergence on its understanding and implementation persists (Malaysia), consensus remains tenuous (Singapore), and diversity of views exists particularly with regard to Pillar 3, which “created justifiable doubts and misperceptions among member states” (Thailand).¹³

Restraint in the use of veto in the Security Council

Although many Asia Pacific states recognized the important successes in the adoption and implementation of R2P over the last decade as cited in the Secretary-General’s Report, they also acknowledged continuing failures of the international community to respond to crisis situations like those in Syria, South Sudan and elsewhere. Much of this was attributed to the failure of the Security Council



Director of the Asia Pacific Center for the Responsibility to Protect, Dr. Alex Bellamy, delivering an address to the UNGA on R2P.

cil to carry out its mandate due to the exercise of veto powers of some permanent members. Australia pointed out that during its term in the Security Council, it “sought to bring R2P sensibility” to the work of the Council and called upon its members “to uphold R2P in all aspects of its work.”¹⁴

Support for the French initiative on restraint in the use of veto in the Security Council on cases involving mass atrocity crimes were expressed by Indonesia, Japan, Singapore, New Zealand, and Thailand. Specifically, Indonesia pointed to the “critical role of the Security Council in preventing the occurrence of atrocities and in resolving conflicts” even as it also expressed agreement with the Secretary-General that “the growing acceptance of R2P should provide more solid basis for the Council to take action in the face of various atrocities.”¹⁵ Japan welcomed both the French initiative and the ACT (Accountability, Coherence, and Transparency) Group proposal that “neither the permanent members nor non-permanent members of the Security Council should vote against Council resolutions” involving atrocity crimes and encouraged continuing discussions on these initiatives “as part of the efforts by the international community to implement R2P.”¹⁶ Singapore, meanwhile, pointed out

that the permanent members of the Security Council who are vested with the power to act “must show leadership and unilaterally commit to not use a veto to block Council action aimed at preventing or ending atrocity crimes.”¹⁷ It also argued that “cynicism over the relevance of R2P concept is not unjustified when national interests outweigh the moral imperatives in the calculations of major powers whether to take timely and decisive response.”¹⁸

Role of UN, regional organizations and civil society

Some Member States from the region called for the enhancement or improvement of the working procedures of the UN to better prevent or respond to situations that could lead to atrocity crimes.

New Zealand expressed support for improved Security Council working methods, such as the use of early warning and horizon scanning briefings, better flow of information from the Peacebuilding Commission chairs.” It argued that the “cost of investing in preventing or responding to atrocity crimes are insignificant when set alongside human, political, and financial costs of inaction that flow from our collective failures.”¹⁹

With regard to UN peace missions, Thailand underscored that peacekeeping operations with protection mandates “can also be an effective tool to protect people from heinous crimes” and highlighted “the need for peacekeepers to have a clear mandate, responsibilities, and code of conduct in protection of civilians.”²⁰

New Zealand and four member states of ASEAN—Indonesia, Malaysia, the Philippines, and Thailand—highlighted the important role of regional organizations and civil society groups in strengthening R2P and its implementation. Specifically, New Zealand cited the value of civil society groups “in spurring domestic dialogue” that can contribute to improvement in promoting and implementing R2P. It also pointed to the need to ensure that “regional organizations are adequately involved in early warning and capacity building activities.”²¹

Indonesia cited the role of various ASEAN mechanisms such as the ASEAN Inter-Governmental Commission on Human Rights (AICHR) in cooperation with the United Nations to promote the principle in the region, specifically in enhancing democracy, rule of law, and the promotion of human rights protection.²²

Malaysia expressed willingness to work closely with member states of the UN, regional organizations and civil society groups in “addressing, preventing and responding to emerging threats and challenges” such as the use of new technologies and atrocities committed by non-state armed groups.²³

For its part, the Philippines cited the important contribution that member states, international and regional organizations, civil society and the private sector could make in providing assistance and capacity building in various spheres (economic, political, and humanitarian) based on “a clear understanding of the nature of atrocity crimes.”²⁴ It also called for the strengthening of regional and multilateral institutions and improvement in the working methods and procedures of the UN in preventing and responding to atrocity crimes.²⁵

In the context of the need to strengthen international cooperation and partnership in capacity building of states, Thailand cited the “con-



Centre Director Dr. Alex Bellamy at the seventh UN General Assembly dialogue on the Responsibility to Protect.

structive and commendable role of regional and sub-regional organizations as well as civil society and NGOs in sharing their expertise and best practices in developing systematic capacity building programs” for atrocities prevention and response.²⁶

R2P’s link with other principles in managing risks of atrocities

A number of Asia Pacific states also highlighted the link between R2P and other principles in managing risks of atrocities. Australia, for example, cited the importance of connecting Resolution 1325, the Sustainable Development Goals (SDG), and R2P adoption in enhancing coordination across the UN’s work. As well, it underscored the need “to recognize the link between atrocity prevention and countering violent extremism, which requires addressing root causes of instability and inter-communal tension.”²⁷ It pointed to certain relevant actions, such as “strengthening good governance, rule of law, fostering equitable and inclusive communities, and economic growth that would help prevent and counter violent extremism and address risk factors for atrocity crimes.”²⁸ Indonesia also echoed the need for governments to adhere to good governance, which it considered as an important pillar in building a community of resilience. Citing its own experience, Indonesia argued that “good governance along with rule of law and equality before law is an effective tool to govern in a multi-cultural setting, including nurturing public participation and continued engagement with civil societies.”²⁹

Meanwhile, the Philippines said that, in the context of the post-2015 development agenda, various stakeholders and actors “should focus on cooperation to build national resilience of countries that may be at risk”, which include a range of “constitutional and legal protections, such as strengthening national institutions toward good governance and protection of human rights” and “facilitate reforms in the democratic electoral process, professionalization of the military, encourage free and independent media, and engage civil society and indigenous people in wealth sharing and nation-building.”³⁰



Twelve member states from the Asia Pacific region, including Australia and six members of ASEAN, participated in the dialogue.

Conclusion

This year’s interactive dialogue on R2P saw a generally positive response to the Secretary-General’s Report from Asia Pacific member states. While some states continue to raise the “lack of consensus” or divergence of views on R2P, there is a clear recognition that the objectives of this principle—which is mainly to prevent and respond to mass atrocity crimes—cannot be questioned. There is also willingness on the part of member states in the region to continue to the dialogue on R2P and the importance of linking this principle to other relevant principles that could help in addressing the root causes and managing the risk factors related to atrocity crimes. It is significant to note also that support for the French initiative that called on permanent members of the Security Council to restrain themselves from using their veto power in resolutions related to mass atrocity situations has gained support from four ASEAN member states, Korea, Japan, and New Zealand.

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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