



# AP R2P

## Asia Pacific Centre for the Responsibility to Protect

P: +61 7 3346 6435 • E: [r2pinfo@uq.edu.au](mailto:r2pinfo@uq.edu.au)

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Dr. Surin Pitsuwan, former ASEAN Secretary General and Chair of the High Level Advisory Panel on Mainstreaming R2P in Southeast Asia, delivering his presentation at the UN General Assembly Interactive Dialogue on R2P.

## SPOTLIGHT ON R2P

### The Sixth UN General Assembly Dialogue on R2P

The sixth annual United Nations General Assembly informal and interactive dialogue on the Responsibility to Protect (R2P) was held on 8 September 2014 in New York, with some 67 states, one regional organization (the European Union), and four civil society groups presenting their responses to the Secretary General's Report on R2P,

“Fulfilling our collective responsibility: international Assistance and the responsibility to protect.” This article highlights some of the relevant themes raised by states in the Asia Pacific and identifies a number of areas for further engaging stakeholders in the region on capacity building for the prevention of mass atrocities.

Twelve states from the Asia Pacific region participated in this year's interactive dialogue: Australia, New Zealand, China, South Korea, North Korea, India, Pakistan, and five members of the Association of

Southeast Asian Nations (ASEAN)—Indonesia, Malaysia, Myanmar, the Philippines, and Thailand. It is significant to note that this is only the second time that Myanmar and the Philippines have participated in the dialogue since 2009. Former ASEAN Secretary General Dr. Surin Pitsuwan was one of the panelists in the GA dialogue, which came a day before the Launch of the report of the High Level Advisory Panel (HLAP) on R2P in Southeast Asia, which he chairs. Among the key points in his presentation were the importance of building awareness about R2P and developing national ownership and commitment to preventing mass atrocities; the need for international assistance to strengthen existing



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Professor Alex J. Bellamy, Executive Director of APR2P, delivering his statement in the UN General Assembly on behalf of the Centre.

mechanisms in various regions, including early warning systems and human rights protection; the need to strengthen regional consultations on the prevention of mass atrocities and protection of vulnerable populations; and the point that R2P is a shared responsibility of states and the international community, and the importance of building partnerships between the UN and regional organizations.

Civil society groups were also invited to this year's dialogue, including the Asia Pacific Centre for the Responsibility to Protect. The Centre's message focused on five critical points: 1) the need to make it easier for states to ask for help to prevent mass atrocities; 2) the need to ensure that adequate resources are dedicated to assistance and that assistance is crafted carefully to meet national and local needs; 3) the importance of ensuring that assistance focuses on empowering women as agents of protection and responding to the protection needs of women and girls; 4) the need for assistance to inhibit the capacity of perpetrators to commit atrocities, particularly through controlling the flow of arms through implementation of the Arms Trade Treaty; and 5) the claim that it is now time to mainstream R2P throughout the UN system to make atrocity prevention and protection part of the organization's daily business.<sup>1</sup>

Several key themes were paramount

in the contributions made by states from the Asia Pacific region:

#### • Reaffirming commitment to the R2P principle

Indonesia reaffirmed its strong commitment to R2P, its support for the three pillars of R2P and willingness to continually be engaged in their implementation, and stated its "unwavering position that the Responsibility to Protect is, and must be, **a universal principle**."<sup>2</sup> The Philippines, recognizing the progress made since the adoption of R2P in 2005, also reaffirmed the fundamental duty of states "in protecting their own people from atrocity crimes" and the "shared responsibility" of the international community in "encouraging and lawfully assisting other states in helping them prevent these crimes."<sup>3</sup> Thailand, for its part, pointed out that states "need to understand their obligations under relevant international human rights instruments" and agreed with the Secretary General that the prevention of mass atrocity crimes begins at the national and local levels.<sup>4</sup> Meanwhile, South Korea announced that it appointed a R2P Focal Point in May this year, which is a manifestation of its commitment to the norm and called on the international community to "renew its commitment for prevention of atrocity crimes." It also called for the inclusion of R2P in the formal agenda of the General Assembly "in order

to articulate concrete measures and generate necessary political [will]...to further implement the Responsibility to Protect."<sup>5</sup> For Pakistan, R2P aims to "strengthen, not weaken, sovereignty and sovereign equality of states" under the UN Charter and that "developing countries and conflict prone societies have a critical stake" in the principle.<sup>6</sup>

Several states from the region highlighted the "continuing divergence of opinions amongst member states on the concept, understanding, and implementation of the R2P" (Malaysia);<sup>7</sup> "diverging views among scholars, lawyers and member states on this delicate concept, especially on its limits and applications as well as how to pursue this concept responsibly" (Myanmar);<sup>8</sup> and how "a very careful study of the responsibility to protect" is necessary as the concept's definition "is not clear and there is a very risky element of misinterpretation" (North Korea).<sup>9</sup> Malaysia and Myanmar nonetheless pointed out that they were not opposed to the concept of R2P.

For its part, China suggested that the adoption of R2P in the 2005 World Summit "provides a prudential norm with respect to its application to the four crimes" and that all parties "should refrain from expanding the norm or take liberties in the explanation." It asserted that member states "have not reached a consensus" on the principle and that discussion about it in the UN should continue. At the same time, however, it reaffirmed the view that "national governments have the primary responsibility to protect their citizens."<sup>10</sup>

#### • Affirming the principles of international assistance for capacity building

The three principles of international assistance—national ownership, mutual commitment, and prioritizing prevention—were affirmed by several states in the region. Malaysia was "encouraged that the principle of national ownership is reflected in the Secretary General's Report" but stressed that the principles of sovereignty and consent of states



must “remain paramount above all else when considering international assistance.” Thailand stated that national ownership is the “key to the success” of international assistance for capacity building, and that it should be based on “constructive engagement and consent of the host government.” For its part, Myanmar pointed out that “national ownership must be ensured in preventing the R2P crimes, as prevention is the most important aspect of [the principle]” and that international assistance “must be based on the consent of the recipient country.” Meanwhile, Indonesia stressed that Pillar 2 of R2P reinforces state sovereignty and is “preventive at its core.” Indonesia also stated that international assistance, accordingly, should be based on a “clear understanding of the nature of genocide, war crimes, ethnic cleansing, and crimes against humanity” and should include a wide range of tools—economic, political, humanitarian, and military—in order to “help foster national resilience” in dealing with atrocities. The Philippines highlighted the importance of preventive diplomacy and the linkage between R2P, on the one hand, and “mediation, dialogue, negotiation, targeted sanctions and referral to ICC”, as well as other tools provided by the UN Charter, on the other hand. It also called for strengthening of institutions at various levels—domestic, regional, and multilateral—as well continuing assessment of the working methods and procedures of the UN Security Council, including the use of veto by the P5, in responding to R2P situations.

India and Pakistan also underscored the importance of the consent of states, with the former stating that “assistance should always be requested by the concerned state before it is offered.”<sup>11</sup> China and India highlighted the need for developing and investing in early warning systems, mediation and conflict resolution, and peacebuilding. For China, international assistance should include measures that are appropriate to local contexts, while India stated that peacebuilding



Dr. Simon Adams, Executive Director of the Global Centre for the Responsibility to Protect, delivering his statement on behalf of the Global Centre.

strategies should be “tailored to specific needs of the country concerned” and based on national ownership.

Australia and New Zealand also affirmed the principle of national ownership in regard to Pillar 2. Specifically, Australia cited the case of Solomon Islands, which sought international assistance ahead of any potential escalation of conflict. Accordingly, this “demonstrated the importance of national ownership and leadership, which is vital to the effectiveness of Pillar 2 assistance.”<sup>12</sup> New Zealand also cited the Regional Assistance Mission to the Solomon Islands (RAMSI) as a good example of adherence to national ownership in international assistance. Specifically, the RAMSI demonstrated that “tailored interventions and nationally-defined objectives were required to achieve effective and long-term capacity building in the security sector and government institutions.”<sup>13</sup>

#### • Partnerships and a comprehensive approach to capacity building

Australia, New Zealand, South Korea, Indonesia, Thailand, and Pakistan underscored the importance of partnerships not only between the UN and regional organizations and other stakeholders—including civil society groups—but also for a comprehensive approach to capacity building of states for mass atrocities

prevention. Specifically, Australia pointed out that coordination effort in capacity building is necessary and encouraged states to join the Global Network of R2P Focal Points. Accordingly, assistance to states relevant to R2P, particularly in the areas of security sector reform, justice sector, and human rights protection, are already being provided which can contribute to building resilience against mass atrocities. New Zealand recognized the vital role of regional organizations inasmuch as they not only understand the situation on the ground but are also well-placed to facilitate international assistance and coordinate responses that are sensitive to national contexts.

South Korea pointed out that strengthening the coordination and coherence of international assistance to states is essential in ensuring “the effective use of existing development tools” in the fulfillment of their R2P obligations. It also: 1) called for linking the concept of R2P and its principles to a “wider development agenda”; 2) argued that “human and economic development [have] strong correlation with the resilience of a society against atrocity crimes”; and 3) underscored the crucial role of “capacity building for good governance based on rule of law and respect for basic human rights.” Meanwhile, Indonesia highlighted its role in facilitating the exchange of

best practices and lessons learned in Southeast Asia by hosting ASEAN-UN workshop in Jakarta in 2013 on preventive diplomacy and conflict prevention, as well as its participation in several meetings of the Group of Friends of R2P. For its part, Thailand recognized the important role of the UN in providing various training programs for empowering women, including gender sensitivity in the police force. It underscored the crucial role of women in conflict prevention and management and encouraged states to focus more on women's empowerment and capacity building. It also underscored the value of "constructive cooperation with civil society and NGOs whose specific expertise and networking can contribute to building of the state's capacity." Pakistan stated that investment in capacity building in the areas of inclusive governance, impartial bodies overseeing political transitions, strong and functioning security sector, independent judicial and human rights institutions, and impartial media is "critical to save conflict prone societies from mass atrocities."

Overall, the Asia Pacific states' responses to the Secretary General's report were positive and supportive of the elements and principles of Pillar 2 of the Responsibility to Protect. National ownership resonated well as an important element of international assistance for capacity building of states, which for some (e.g., Malaysia, Myanmar, Pakistan, the Philippines and Thailand) was also associated with the importance of respect for sovereignty and consent of states. As well, understanding the national and regional contexts of states and societies are also important in implementing Pillar 2 where a comprehensive approach to mass atrocities prevention and use of the right tools are also crucial.

In order to follow through with the Secretary General's report on international assistance and capacity building in the Asia Pacific region, the following are some practical recommendations:<sup>14</sup>

- **Conducting national and**

## **regional dialogues on mass atrocities prevention**

For many states in the region facing risks of mass atrocity crimes, building a national architecture for preventing them should be a priority agenda. Conducting national dialogue on mass atrocities prevention can focus on the following issues: 1) identifying risk factors; 2) assessing capacities of relevant state institutions in addressing these factors; 3) identifying priority areas for international assistance for building state capacity to prevent and respond to mass atrocities; 4) recognising women's empowerment/ gender equality as essential to the prevention of mass atrocities; and 5) engaging other stakeholders for possible partnership in building public awareness and constituencies, as well as in implementing R2P at various levels (i.e., local, national, and regional). At the regional level, ASEAN member states, for example, could begin serious discussions about mainstreaming R2P into the organization's community building agenda as outlined in the HLP's Report on Mainstreaming R2P in Southeast Asia.

- **Developing national action plans for capacity building**

National action plans for mass atrocities prevention can serve as an important framework for implementing R2P at home and guide policy-makers in building national architecture against atrocity crimes. This should include, among others: 1) domestic legislation for protection of human rights; 2) empowering women as agents of protection, and augmenting efforts for the protection of women and children against sexual and gender-based violence, particularly in conflict areas; 3) allocation of resources (e.g., in the annual budget) for education, training, and capacity building for preventing atrocity crimes; 4) promotion of security sector reform, judicial reform, and rule of law; and 5) address past atrocity crimes through transitional justice, memorialization, and compensation for victims. It is also important for states in the region

to include in their action plans ratification of relevant international treaties and conventions on punishment and prevention of genocide, against torture, ban on recruitment of child soldiers, the Rome Treaty (International Criminal Court), arms treaty, and against the proliferation of small arms and light weapons.

- **Enhancing partnership with international and regional organizations**

Capacity building can also be pursued through enhancing partnerships with international and regional organizations. In the context of ASEAN, for example, member states could take advantage of ASEAN-UN partnership framework in the area of conflict prevention and human rights promotion through a number of training seminars and workshops. Earlier this year, the UN Office of the Special Adviser for Genocide Prevention (OSAPG), in partnership with the ASEAN Parliamentarians for Human Rights, conducted a seminar on mass atrocities prevention and R2P in Bangkok, which led to follow up activities for engaging parliamentarians in Indonesia on these issues. Exchange of ideas, best practices, and lessons learned on how to deal with past atrocities, transitional justice, and other approaches to preventing mass atrocities can also be pursued through region-to-region dialogue (e.g., ASEAN-AU dialogue, South-South Cooperation). Informal networks of state and non-state stakeholders such as the Global Action Against Mass Atrocity Crimes (GAAMAC)<sup>15</sup> and the Group of Friends of R2P in New York (where Singapore is a member) could also help facilitate and promote capacity building of states through participation in various regional and international meetings organized by the UN, the European Union, as well as by Latin American and African networks for mass atrocities prevention. Similarly, regional champions of the UK-led Prevention of Sexual Violence Initiative (PSVI), which include the governments of Australia, Indonesia, South

Korea and Timor Leste, could help build networks and partnerships that engage national and regional bodies dedicated to the promotion and protection of women's rights in building regional capacity to address conflict-related sexual violence.

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3. Philippine Statement (Reading Copy), Responsibility to Protect: 6th Annual Interactive Dialogue on the Secretary General's Report, 08 September 2014, from <http://statements.unmeetings.org/media2/4493836/philippines.pdf>, accessed on 16 September 2012.
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10. Statement by the People's Republic of China at the Informal Interactive Dialogue on R2P [Transcribed], from <http://www.globalr2p.org/media/files/peoples-republic-of-china.pdf>, accessed on 16 September 2014.
11. Statement by Mr. Abhishek Singh, First Secretary, Permanent Mission of India to the United Nations, at the Informal Interactive Dialogue of the General Assembly on the Responsibility of States to protect their populations by preventing genocide, war crimes, ethnic cleansing and crimes against humanity through appropriate and necessary means on September 8, 2014, from <https://www.pminewyork.org/pages.php?id=1962>, accessed on 16 September 2014.
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14. These recommendations are based on the Secretary General's R2P reports, member states' inputs, as well as from the Centre's continuing engagement with stakeholders in the region.
15. See for example [www.gaamac.org](http://www.gaamac.org)



**Dr Noel M. Morada, Director (Regional), 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 6435**

**E: [r2pinfo@uq.edu.au](mailto:r2pinfo@uq.edu.au)**

**W: [www.r2pasiapacific.org](http://www.r2pasiapacific.org)**

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