



## SPOTLIGHT ON R2P



### 2018 United Nations General Assembly's formal debate on the Responsibility to Protect Asia Pacific Perspectives

The United Nations General Assembly held a formal dialogue on the Responsibility to Protect (R2P) and the prevention of Genocide, war crimes, ethnic cleansing and crimes against humanity on the 25th of June and the 2nd of July 2018, as a part of the formal agenda of its 72nd sessions<sup>1</sup>. The formal dialogue was the first formal discussion held by the UN General Assembly since 2009. Within the formal debate 79-member states and one regional organisation, the European Union, spoke on behalf of 113 states about the Responsibility to Protect<sup>2</sup>. The debate was centred around the Secretary General's report 'From Early Warning to Early Action' on the Responsibility to Protect<sup>3</sup>. During this year's formal dialogue 14 Member States from the Asian Pacific region participated together with 1 inter-governmental organisation, the Pacific Island Forum representing members; Australia, Cook Island,

Fiji, French Polynesia, Kiribati, Marshall Islands, Micronesia, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu. Moreover, within the formal dialogue, 6 ASEAN members spoke; Singapore, Malaysia,

Indonesia, Vietnam, Philippines and Myanmar. The remaining member states from the Asia Pacific region includes; Bangladesh, Republic of Korea and Democratic People's Republic of Korea, Republic of Korea, Japan, Australia, Fiji, Papua New Guinea (PNG) and China.

#### Responsibility to Protect<sup>4</sup>

The term Responsibility to Protect was first introduced in 2001 through a report created by The International Commission on Intervention and State Sovereignty (ICISS), set up by the Canadian Government.

In 2005 the UN Secretary-General published a report 'In Larger Freedom: towards development, security and human rights for all'; recognising that State sovereignty carried the obligation of the State to protect its population. If the State neglected to protect its people, the responsibility shifted to the international community to use diplomatic, humanitarian and other means to protect the peoples.

In 2005, at the UN World Summit meeting, member states committed to the principle of the Responsibility to Protect. In the 2005 World Summit Outcome Document in paragraphs, 138 and 139 states confirm their responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and accepted a collective responsibility to encourage and help each other uphold this commitment.

Within the United Nations General Assemblies formal dialogue on R2P, the 14 Member States from the Asian Pacific Region voiced statements concerning specific agendas, themes and issues. Within the Asian Pacific Region, there is substantial support for upholding the Responsibility to Protect. Bangladesh, for example, states that *“in cases where the state is unable to perform the responsibility to protect the international community cannot simply turn its attention away from the situation and relegate it to international or bilateral affairs. United Nations, in particular, has a role to play in this context”*<sup>59</sup>. Moreover, multiple states in the Asian Pacific Region supports the act on permanently including R2P as an agenda item in the General Assembly. There are three overall themes of the region, which are high-lighted and represented below through the inclusion of different countries statements and perspectives.

Nonetheless, in the Asian Pacific Region, the overall support towards the Responsibility to Protect has been very positive. Commitments towards R2P has been at all governmental levels from national to international commitments. For example, the Philippines’ statement had a focus on the national level, as *“prevention is at the core of R2P, therefore, there is need to strengthen national institutions for good governance”*<sup>6</sup>. While the Pacific Island Fo-rum’s focus was on the regional and international level, as *“...at the heart of this commitment is a recognition that no one country alone can meet the security challenges we face”*<sup>7</sup>. Additionally, there has also been a focus on good governance, good international management and accountability, as South Korea expressed that the international community must *“ensure accountability for atrocity crimes in every corner of the world since strengthening accountability is one of the principle ways to prevent atrocity crimes”*<sup>89</sup>.

### Extended levels of regional cooperation

States expressed the need to extend regional cooperation, to ensure bet-

**“At this time of extreme challenges, we must not abandon the responsibility to protect or leave it in a state of suspended animation, finely articulated in words but breached time and again in practice.”**

ter preventive mechanism to safeguard all international communities. However, different states indicate the regional cooperation through different means and perspectives. For example, China’s representative outlined that China wishes more international communities, together with extended support for more regional non-military cooperation, since *“we must exercise caution in using force and should strive to use non-military measures to protect civilians”*<sup>9</sup>. Fiji, on the other hand, expressed an interest in more regional cooperation as a part of upholding the overall international systems obligations. Fiji’s representative conveyed that *“the obligation is on us to take appropriate measures to safeguard lives to protect communities when their lives are at risk. The obligation is on us to ensure the international system acts in time pro-actively and decisively. We need to, therefore, provide a clear pathway on right to protect. I stress the importance that national, regional and global institutions play in protecting lives”*<sup>10</sup>.

Similar to Fiji, Australia’s representative expressed how *“R2P’s implementation is an essential part of the pivot to prevention in the UN system. Effective prevention requires a participation of the society as a whole... It requires actions by states at the domestic, regional and international level...In Australia’s view, action at the regional level is essential for the meaningful implementation of R2P”*<sup>11</sup>. Moreover, the *“Pacific Islands Forum members believe that early dialogue, partnership and action, particularly at the regional level, is critical to delivering on our Responsibility to Protect”*<sup>12</sup>. The Pacific Island Forum also specified how an open dialogue is an essential approach to protect populations from mass atrocities, as the creation and continuance use of an open dialogue through international, regional and domestic measures will create a

forum where experiences, perspectives and lessons can be shared to help improve practices<sup>13</sup>.

Indonesia, furthermore, express *“regional organisations can and must play a more active role in implementing the Responsibility to Protect, as we are doing with the Association of South East Asian Nations, ASEAN”*<sup>14</sup>. PNG expressed interest in combining international forces, regional forces, security forces both collectively and individually to fight atrocity crimes, as *“all nation-states must work both individually and collectively to prevent devastating atrocity crimes”*<sup>15</sup>. The wish to include more regional cooperation highlights the Asian Pacific affinity to operate within regional measures.

### Veto limitations

Several states in the Asian Pacific Region wishes to support the initiative by France and Mexico on the suspension of the veto in cases of atrocity crimes. For example, *“Japan continues to support the initiatives...on the suspension of the veto in case of atrocities”*<sup>16</sup> Japan expresses that suspending the veto rights within the Security Council has a crucial role in providing the Council with the ability to obtain a more active role in preventing atrocities. Malaysia, comparable to Japan, called *“...for a restraint in the use of veto powers in the Council, especially in cases of atrocity crimes”*<sup>17</sup>, as Malaysia believes *“that prevention must become the rule rather than the exception”*<sup>18</sup>, which the veto currently is preventing. Moreover, the Philip-pians expressed that *“the Responsibility to Protect must be impartial and evidence-based, free from politics and double standards, it excludes the selective use of the veto by the Security Council”*<sup>19</sup>. This statement thus highlights that the Philippines view R2P as being too politically loaded due to the veto rights.

**“This Organisation was born from horror. Every United Nations Member State has made a commitment to confine such horrors to history. And the Responsibility to Protect can help us to meet this commitment. So it deserves our full attention today.”**

Miroslav Lajčák President of the UN General Assembly

Additionally, Singapore wishes to limit the veto voting in the Council, as *“we have seen the veto used to often in the past to prevent actions to address crimes of atrocity we welcome the fact that two P5 members have supported initiatives to limit the use of the veto in cases of mass atrocities<sup>20</sup>”*.

Likewise, South Korea outlined that the right for veto votes should be limited in situations in which immediate action is required to prevent atrocities, as the *“Responsibility to Protect cannot be realised if they are not followed by early actions<sup>21</sup>”*. Indonesia also wishes *“that the permanent members of the council must avoid the use of the veto in the face of potential occurrence of those for said crimes<sup>22</sup>”*. Lastly, Australia also supports the France and Mexico initiative on restraining the use of the veto<sup>23</sup>. The overall commitment to the veto limitation in cases of atrocities, in the Asian Pacific Region, is strong. The restraint is, moreover, connected with the wishes for more early action. The potential veto removal will help provide the UN with better options for early actions to prevent atrocities before a human catastrophe has occurred. This outlook is summed up by Singapore’s statement that *“prevention is certainly better than the cure<sup>24</sup>”*.

## Critical responses

Myanmar and North Korea, whether atrocity crimes are a high risk or ongoing, argued that they do not support the discussion on R2P, and that R2P should not be a part of the UN General Assembly’s agenda, as both indicates that no consensus on R2P has been agreed on by all member states. North Korea’s representative expressed that *“the Re-sponsibility to Pro-tect the people from genocide, war crimes, ethnic cleansing and crimes against hu-*

*manity is entirely to the sovereign right of the state. The R2P must not be applied to interfere in internal affairs of the state<sup>25</sup>”*.

Myanmar, like-wise, expressed a recognition of the importance of preventing atrocities, however, Myanmar believes that these preventive mechanisms are up to the sovereign state. Myanmar’s representative also stated that; *“My delegation categorically rejects the unsubstantiated accusations and labelling of the recent humanitarian situation of our kind state, as atrocity crimes<sup>26</sup>”*. Consequently, Myanmar denies any state failure of protecting civilians from mass atrocities within their borders.

## Conclusion

In conclusion, the formal dialogue on the Responsibility to Protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity has clearly shown strong support for upholding the principles for R2P. The formal debate, more-over, showed joint areas of agree-ment within the Asian Pacific Region especially in regards to extensive re-gional cooperation. Moreover, there was strong support for the initiative to limit the use of the veto in the Security Council. The formal debate has also shown general ar-eas of agreements, such as the im-portance of good governance and sovereignty; thus, indicating that the state is the primary protector of its population, with the international community only to interfere if the state neglects to protect its population.

Country	Summary of Statement
<b>Australia</b>	Australia believes that the implementation of R2P must be in focus to prevent atrocities through regional actions, by rebuilding national institutions and economies. While, strengthening the accountability for atrocity crimes <sup>27</sup> .
<b>Bangladesh</b>	Bangladesh considers R2P correct and agrees with the first three columns. Moreover, Bangladesh seeks better early warning systems, as the current ones do not work correctly, to protect civilians <sup>28</sup> .
<b>China</b>	China states that R2P terms should not be reinterpreted, as they have been agreed on internationally. China seeks more international communities and support for more regional non-military cooperation <sup>29</sup> .
<b>Democratic People's Republic of Korea</b>	The Democratic People's Republic of Korea does not support R2P, as the state sovereignty cannot be broken. The DPRK also states that the concepts of R2P should not be considered a part of the UN GA, as states should uphold civilian rights <sup>30</sup> .
<b>Fiji</b>	Fiji agrees with R2P, yet a clearer pathway for upholding R2P is needed to establish better prevention for the protection of civilians through both regional and international cooperation <sup>31</sup> .
<b>Indonesia</b>	Indonesia seeks more balance between R2P and state sovereignty while obtaining more regional prevention. Indonesia also supports the limitation veto voting if there is a potential for atrocities <sup>32</sup> .
<b>Japan</b>	Japan expresses a desire for the Security Council to obtain a more active role in preventing atrocity crimes through suspending the veto right within the Council that currently is preventing action <sup>33</sup> .
<b>Malaysia</b>	Malaysia calls for more non-military means and solutions to be the first option to prevent atrocity crimes, through using more resources in the preventive phase by removing veto votes in the Security Council <sup>34</sup> .
<b>Myanmar</b>	Myanmar expresses that there has been no international consensus on how to reach the R2P goals, as the prevention of atrocities lies with the nation-state. Myanmar also do not support the inclusion of R2P on the UN GA's agenda <sup>35</sup> .
<b>Pacific Island Forum:</b>	The Pacific Island Forum (Australia, Cook Island, Fiji, French Polynesia, Kiribati, Marshall Islands, Micronesia, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu) expresses the importance of early warnings system and early action. Moreover, regional actions are critical to protect and rebuild government mechanisms and the economy. Cooperation is needed as no country alone can meet the challenges the world is faced with atrocity crimes <sup>36</sup> .
<b>Papua New Guinea</b>	Papua New Guinea seeks to combine international forces, regional forces, security forces both collectively and individually to fight atrocity crimes, as the UN's work on preventing atrocities should not be taken for granted <sup>37</sup> .
<b>Philippines</b>	The Philippines supports good governance and enforcement of democracy and tolerance to strengthen humanitarian rights. The Philippines wants states to stop misuse R2P, as R2P has to be politically neutral <sup>38</sup> .
<b>Republic of Korea</b>	The Republic of Korea expressed that the right for veto votes should be limited in situations in which immediate action is required to prevent atrocities. With, the UN human rights system used more in preventing atrocities <sup>39</sup> .
<b>Vietnam</b>	Vietnam is committed to reaching common ground on R2P. Vietnam believes that the early warning protection lies with the state but in accordance with the international community <sup>40</sup> .

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