

SPOTLIGHT ON R2P



Participants in the first national dialogue on R2P in Bangkok, 30 March 2017

First National Dialogue on Atrocities Prevention: Locating R2P in the Thai Context

The Asia Pacific Centre for the Responsibility to Protect (APR2P), in cooperation with the Department of International Relations, Faculty of Political Science, Chulalongkorn University, organized on 30 March 2017 in Bangkok, Thailand the first national dialogue on atrocities prevention. The meeting was attended by some 40 participants from security sector, academe, civil society, human rights organizations/institutions, youth, and media sectors from Bangkok and from Northern and Southern provinces. The main objectives of national dialogue were: 1) introduce/provide an overview of the R2P concept and atrocities prevention and its relevance in the Thai context to various stakeholders of Thai society; 2) identify the risk factors for atrocities faced by Thailand as well as strengths and weaknesses

of existing national institutions and society as a whole in preventing atrocities; and 3) develop a consensus among participants about the relevance of R2P in the Thai context.

The opening remarks in the meeting were delivered by Dr. Ake Tangsupvattana, Dean of the Faculty of Political Science, Chulalongkorn University, Dr. Genevieve Clune, Counsellor at the Australian Embassy, and Dr. Noel Morada, Regional Director of the Asia-Pacific Centre for the Responsibility to Protect (APR2P).

Dr. Ake highlighted the fact that while there have been a number of R2P conferences in Thailand since the World Summit Outcome Document in 2005 (and most of them were co-organized with APR2P), this is the first meeting that focuses on

the relevance of the principle in Thailand. He also noted that Thailand is the third country in ASEAN to hold its first national dialogue after similar dialogues in Indonesia and Cambodia. As well, he pointed out that although the risk of atrocity crimes remains low in Thailand despite reports of human rights violations, it is useful to provide platform to discuss the issue so that prevention of atrocity crimes can be realized.

Dr. Noel Morada expressed his appreciation for the support of the Department of International Relations, Faculty of Political Science at Chulalongkorn University in co-organising the first national dialogue on R2P in Bangkok. He reiterated the point that this is the first national dialogue in Thailand and the third in Southeast Asia in spite of the fact that Thailand

has been a regular venue for R2P discussion since 2005, including the launching of the APR2P in 2008 and the first Public Seminar following the HLAP Report on Mainstreaming R2P in Southeast Asia in 2014. Chulalongkorn University has been a long standing partner in building awareness about the principle. He expressed hope that the national dialogue in Thailand would also lead to significant milestones in other countries in the region. For example, he pointed out that the national dialogue in Cambodia in July 2016 discussed developing a national action plan and appointing a national focal point on R2P. In September of the same year, the Cambodian government announced at the opening session of the UN General Assembly that it will appoint a national focal point. Other countries in the Asia-Pacific i.e. South Korea, Japan, East Timor, Australia, New Zealand, and Vanuatu have already appointed national focal point. He expressed hope that Thailand and other ASEAN member states would follow the lead of Cambodia in appointing their national focal points.

In her welcome remarks, Dr. Genevieve Clune pointed out that Australia has been a leading advocate on R2P and atrocities prevention since its inception, engaging in the promotion and implementation of the concept at local, regional and global levels. Currently 56 member states of the UN, plus the European Union, have appointed national R2P focal points. Globally, R2P faces serious challenges demonstrated for example by the ongoing crisis in Syria and



Dr. Genevieve Clune, Counsellor Australian Embassy



Dr. Pranee Thiparat, Department of International Relations, Faculty of Political Science, Chulalongkorn University and Thai Country Program Coordinator

South Sudan — as well as threats of mass atrocities posed by ISIL. Accordingly, it is critical to mobilise a collective international political will to actively respond to such challenges and prevent mass atrocities. National dialogues and regional organisations can play a key role in helping member states to develop positive and informed responses as well as to support capacity building for atrocities prevention. For example, ASEAN can play a key role in mobilizing and implementing R2P. Engagement on R2P aligns with ASEAN's vision of a peaceful, just, democratic, people-centred, and caring community, as stated in its Charter. The recent meeting of ASEAN Regional Forum's Experts and Eminent Persons Group in Canberra, which focused on preventive diplomacy and early warning, is illustrative of how ASEAN is in a unique position to identify entry points for the prevention of atrocity crimes. In this regard, Australia's role is to support reform and reconciliation processes in the region.



Dr. Noel Morada, Regional Director of the Asia-Pacific Centre for the Responsibility to Protect (APR2P)



Dr. Ake Tangsupvattana, Dean of the Faculty of Political Science, Chulalongkorn University,

R2P and Challenges to its Implementation in Thailand

In his keynote speech, Professor Emeritus Vitit Muntarbhorn (Faculty of Law, Chulalongkorn University and UN Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity) discussed a number of issues related to promoting and implementing R2P in the Thai context. Specifically, he raised the following points that should be taken into consideration by all Thai stakeholders as well as R2P advocates outside Thailand:

- Although Thailand has taken a leading role among ASEAN members in promoting human rights protection and has been actively engaged in discussions about R2P in the region since 2003 even before the principle was adopted in 2005 in the UN, the principle has never been formally discussed in Thai and in the Thai context;
- The concept of R2P and the term mass atrocities is difficult to translate into Thai language as it is a combination of international politics and international law. Specifically, building awareness and better understanding among stakeholders—particularly in engaging and equipping them in identifying the relevant risk factors for atrocities—remains a difficult task and need coordination and cooperation from all sectors involved.
- Though there have been serious cases of human rights vio-



Professor Emeritus Vitit Muntarbhorn, Faculty of Law, Chulalongkorn University, delivering his keynote speech on the Challenges to Implementing R2P in Thailand

lations in Thailand, various government administrations have not considered these as tantamount to committing atrocities crime. While it is possible that war crimes and crimes against humanity may have occurred, the Thai government has always denied its existence.

- While Thailand is a party to at least seven human rights conventions/treaties and about to sign the Enforced Disappearance Convention, existing domestic laws do not address the most relevant crimes in the Thai context, such as crimes against humanity and war crimes referred above. As well, genocide and ethnic cleansing are not incorporated in the Thai law even as Thailand is not a party to the Genocide Convention and the International Criminal Court. Clearly, there is a need to reform domestic laws, which has been considered in some discussions in the past, but this has not led to any concrete results.
- With regard to implementing R2P in Thailand, it is not clear who will be responsible for investigating atrocity crimes if they are committed as there is no consensus on what would constitute such crimes. Would it be the National Human Rights Commission of Thailand, the Ministry of Foreign Affairs, or an independent investigation commission with particular mandate and power? Would appointing a national focal point person/institution help enable imple-

menting R2P in Thailand? The answer to this question cannot be ascertained at this point as it would depend on the mandate and powers that will be given to the focal point person or institution.

Professor Vitit concluded his keynote speech by pointing out that mainstreaming R2P is good, but prevention of atrocities is better than cure. Thus, resource mobilization to promote awareness and better understanding of the principle by the Thai state is a necessary step to prevent crimes covered by R2P from happening. In this regard, continuing with a series of national dialogue among stakeholders should be encouraged.

Luncheon Keynote by Dr Surin Pitsuwan

Former ASEAN Secretary General and Thai foreign minister Dr Surin Pitsuwan was invited as a guest of honour in the dialogue to deliver his luncheon keynote. In his speech



Dr Surin Pitsuwan, former ASEAN Secretary General and former Thai foreign minister, delivering his luncheon keynote speech at the first national dialogue on R2P

titled “Building and Enhancing National Capacity for Atrocities Prevention: Recommendations from the High-level Advisory Panel’s (HLAP) Report on Mainstreaming R2P in Southeast Asia,” Dr Surin highlighted the following points:

- The intellectual foundation of R2P is rooted in the Western social contract theory that proposes the idea that modern states have certain obligations to their people. Specifically, it contends that all human beings are equal and have certain inalienable rights such as liberty. States are supposed to ensure the promotion of equality and protection of these rights.
- However, in the East, it has been argued that states have rights and power over their people even as they also provide protection for the well-being of their people. This view is embodied in the so-called “Asian values” perspective, which was espoused by some Asian states in the 1990s.
- Following the end of the Cold War, internal conflicts broke out in some countries, some of which led to atrocities crimes. Due to adherence to the norm of non-interference in domestic affairs and the lack of effective instruments in the UN system, many of these atrocities were not prevented and in fact contributed to their escalation.

Thus, the R2P principle emerged as an important idea which underscores the responsibility of the state to protect people. In the context of Thailand, for example, it is about

dealing with internal issues such as unequal treatment of people by the state or its agencies, injustice, impunity, etc. These concerns must also involve all relevant security sector actors in Thai society because it is about the protection of the basic rights of the people.

In concluding his speech, Dr Surin pointed out that it is necessary for the Thai government to implement R2P not only for the betterment of the people but also for Thailand to stand shoulder to shoulder with the rest of the international community to prevent atrocities.

Recommendations for Implementing R2P in Thailand

Participants in the first national dialogue discussed the importance of addressing the relevant risk factors for atrocities in the context of Thailand. A number of recommendations were generated from panel speakers and participants who discussed practical recommendations on what are the next steps in promoting R2P and atrocities prevention. The following are the most relevant recommendations: Raising public awareness about R2P and atrocities prevention is a priority. This should include activities such as:

- Distributing basic documents and information about R2P in the Thai language to all stakeholders; and
- Conducting regular dialogues, workshops, and public seminars as part of continuing engagement with local stakeholders.

Engaging critical sectors in Thailand through training and capacity building, such as:

- The National Human Rights Commission of Thailand and civil society groups involved in human rights protection advocacy, which could collaborate in research such as mapping potential cases of R2P using risk factors for atrocities that are relevant in the country;
- The security sector and other government institutions, which could potentially contribute to changing the mindset of those responsible for implementing



Participants during the breakout session in the afternoon discussing recommendations on how to implement R2P in Thailand during the national dialogue in Bangkok.



Plenary session following the breakout group discussion with participants presenting the recommendations on the next steps for implementing R2P in Thailand. From left to right: Mr. Ramadon Panjor, Editor, Deep South Watch; Dr.Wuttikorn Chuwattananurak, Department of Political Science & Public Administration, Narasuan University, Pitsanulok province; Major Rawi Jantarapaso, Army College; Dr.Chalidaporn Songsamphan, Faculty of Political Science, Thammasat University; Siwapol Chompuan, Lecturer, Sukhothai Thammathiraj University; and Dr Noel Morada, APR2P.

and operationalizing R2P in Thailand; and

- The Thai media practitioners, both in the traditional (print) and social media, who would benefit from a deeper knowledge and understanding of the importance of R2P and in preventing atrocities.

With regard to the appointment of a national focal point, participants in the dialogue agreed that this is still a long shot. However, they agreed that establishing a national network of R2P and atrocities prevention champions would be an alternative for now in order to generate domestic support and commitment in promoting the principle in Thailand.

Acknowledgement to
Pranee Thiparat, Ph.D.
Thai Country Program Coordinator

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