

## R2P IDEAS in brief



Asia Pacific Centre for the  
Responsibility to Protect

# ASEAN and the UN GA Dialogue on the SG's Report on Timely and Decisive Response

## *Introduction*

Since 2009, the UN Secretary-General's Report on Responsibility to Protect (R2P) has served as the basic document for the annual Informal Interactive Dialogue on R2P in the UN General Assembly. Themes covered by the SG's Report included "Implementing R2P" (2009), "Early Warning, Assessment, and R2P" (2010), and "The Role of Regional Arrangements in Strengthening R2P" (2011).

This year, the SG's Report is about "Timely and Decisive Response," which essentially covers the relationship between prevention and response, the lessons learned so far in implementing Pillar 3 of R2P, the tools available for implementation, and the concept of "Responsibility while Protecting" (RwP) proposed by Brazil in 2011 in the aftermath of the Libyan crisis.

This memo from the Asia Pacific Centre for the Responsibility to Protect (APCR2P) provides some important highlights of the SG's Report ahead of its official publication and dissemination later this month prior to the scheduled UN GA Interactive Dialogue on R2P scheduled on 5 September 2012.<sup>1</sup> A set of recommendations is presented in the last section of this memo for consideration by ASEAN member states, which essentially underscores the importance of participating in this year's Interactive Dialogue on R2P in the UN General Assembly.

## *Highlights of the SG's Report*

The following are some of the key messages of the SG's Report:

- **R2P is based on the fundamental principles of international law** and includes a broad spectrum of tools under Chapter VI, VII and VIII of the UN Charter to be implemented early and flexibly, tailored to the circumstances of a country situation.
- The SG notes that the first two pillars of R2P are often associated with prevention, and the third pillar, with response, but that, "the dividing lines are not so clear in practice" as action under both pillars one and two may include elements of prevention and response.
- **Coercive military force can be used in various forms to halt or prevent atrocity crimes** – including multinational forces sanctioned by the UN to establish security zones, the imposition of no-fly zones, and military presence for protection or deterrence purposes - but can only be authorized by the UN Security Council.

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The SG outlines five lessons learned from experience to date:

1. R2P should be implemented consistently and uniformly, but as each situation is distinct, the methods and tools used should differ according to the specific circumstance.
2. It is important to apply principles consistently in rhetoric and implementation so as to ensure international response does not result in charges of double standards and selectivity.
3. Experience has shown the need to understand how the three pillars relate to and reinforce each other.
4. An effective strategy to protect populations will likely include elements of prevention and response.
5. Protection measures are most effective when the United Nations works in tandem with regional partners.

- “Timely and decisive” response **must assess the potential of all available non-coercive and coercive measures** taking into account the necessary authorization and key actors, and highlighting the need to respond early and effectively to reduce the need for the use of force. There is also a need to better understand the impact of incentives and disincentives in R2P situations, and how to overcome resistance to non-coercive measures. **It is important to understand the effectiveness of approaches under different circumstances, and coordinate and utilize the wide range of tools and partnerships more strategically.**
- The SG welcomes the **Brazilian initiative on ‘Responsibility while Protecting’** for inviting constructive dialogue on the application of R2P, underscoring Member States’ commitment to R2P principles and implementation.
- **International actors must act responsibly in every stage of the implementation of R2P.** Faulty or ill-informed analysis can hinder effective implementation of the norm. Responsible protection includes early and accurate identification and assessment of the threat as well as engagement and preventative action.
- In reflecting on the crisis in Libya, the Secretary-General recalls that **the use of force was authorized by the Security Council after most Member States agreed that the series of peaceful measures had proved inadequate.** He also recognizes the concerns of some Member States that non-coercive measures were not given adequate time to take effect and that the implementation of Security Council Resolution 1973 went beyond the given mandate. Going forward, **military actors must take all precautions to avoid civilian casualties, in accordance with international law, as well as investigate all possible violations of international law committed in such contexts.**
- The Report concludes by noting that:
  1. **R2P has been widely accepted but that this does not mean that aspects of the norm’s implementation are free of controversy and that experience has shown that the international community has a range of non-coercive tools available under the third pillar. The use of force is a measure of last resort, but it is important to recognize the necessity of coercive tools in some situations, learn from past experiences and build a strategy to meet the shared goals of protecting populations.**
  2. The SG calls for **continued dialogue on the responsibility to protect in the General Assembly**, with this year’s informal interactive dialogue providing an opportunity to focus on our experience under the third pillar and its mutually supportive relationship between pillars one and two. He reminds **that there is no template for responding to atrocity crimes, and that cooperation among Member States is crucial toward the successful implementation of R2P.**

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## ***ASEAN and the Importance of UN GA Interactive Dialogue on R2P***

The interactive dialogue in the UN GA on 5 September is a good opportunity for member states to openly discuss the third pillar of R2P (timely and decisive response) in dealing with mass atrocities. In the aftermath of the UN Security Council's resolutions on Libya and the continuing crisis in Syria, the application of the principle has generated a number of concerns and controversies, including accountability in using coercive measures while protecting civilians, as well as the relationship between R2P and regime change.

**Thus far, the discourse on Pillar 3 has been dominated by the P5 and emerging powers in the UN, especially after the Libyan crisis. The views of developing states, particularly from the Asia Pacific, also need to be heard,** and the UN GA interactive dialogue in September provides an important opportunity for them to present their response to the SG's Report. Specifically, the concerns and views of countries from the region about timely and decisive response to mass atrocities need to be articulated.

In 2009, five members of ASEAN participated in the first interactive dialogue on R2P in the UN GA. Since then, **no member state of ASEAN has participated in subsequent UN GA dialogue over the last two years.** It is important to note, however, that a good majority of the members of ASEAN have participated in debates that saw relevant resolutions condemning systematic violations of human rights in Syria passed in the UN GA (February 2012 and more recently on 3 August 2012) and the UN Human Rights Council (June 2012). This clearly indicates that for a number of ASEAN members, **the ongoing mass atrocities in Syria remain a serious international security problem.** Thus, ASEAN members should seriously consider participating in this year's interactive dialogue on the SG's Report in order to:

- 1) **reaffirm their commitment to the R2P principle** as embodied in paragraphs 138-139 of the 2005 World Summit Outcome Document ;
- 2) articulate their views about Pillar 3, **including their concerns about coercive measures in implementing R2P as well as the constraints and lessons learned by individual countries from the crises in Libya and Syria;**
- 3) **contribute to ongoing discussions/debate** about Responsibility while Protecting (RwP)<sup>2</sup> as proposed by Brazil.

This year's UN GA dialogue on timely and decisive response should also encourage ASEAN members **to exercise their diplomatic leverage to ensure that the P5 take their responsibility to protect obligations seriously,** echoing the strong balance of opinion in the recent 3 August 2012 UN GA resolution on Syria.

<sup>1</sup>Attached to this memo is a more elaborate summary of SG's Report by the International Coalition for the Responsibility to Protect (ICRtoP).

<sup>2</sup>For more details about RwP, attached to this memo is an article by Matias Spektor, "Humanitarian Interventionism Brazilian Style?" (Americas Quarterly Summer 2012, pp. 54-59).

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