



AP R2P

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SPOTLIGHT ON R2P

Prevention of Atrocity Crimes in the ASEAN region: the Role of Parliamentarians

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THE UNITED NATIONS OFFICE OF THE SPECIAL ADVISOR ON GENOCIDE PREVENTION (OSAPG) AND THE ASEAN PARLIAMENTARIANS FOR HUMAN RIGHTS¹ (APHR) HELD A SEMINAR IN BANGKOK ON 27-28 MARCH 2014.

The two day meeting discussed the role of parliamentarians in promoting prevention of mass atrocities in Southeast Asia and was attended

by fourteen current and former parliamentarians from Cambodia, Indonesia, Malaysia, Myanmar/ Burma, the Philippines, Singapore, and Thailand along with specialists from the UN, Rutgers University, and the Asia Pacific Centre for the Responsibility to Protect (AP R2P). Sessions during the seminar included: 1) international legal framework for the punishment and prevention of atrocity crimes; 2) socio-historical perspective in analyzing mass atrocity crimes; 3) strategies

and policy options for the prevention of atrocity crimes; 4) international and regional human rights mechanisms; and 5) the role of parliamentarians in the prevention of mass atrocity crimes. Noel Morada presented lectures on the R2P norm and the challenges and opportunities in the prevention of mass atrocity crimes in Southeast Asia. On the second day of the meeting, participants also had a brainstorming session to outline priority issues that the APHR could focus on, including some concrete recommendations on how to operationalize R2P and mass atrocities prevention in the region.

Neri Colmenares, a member of the House of Representatives of the Philippine legislature, presented the Inter-Parliamentary Union's (IPU) Resolution on R2P (Enforcing the Responsibility to Protect: The Role of Parliament in Safeguarding Civilians' Lives), which was adopted in its 128th session in Quito, Ecuador on 27 March 2013.² Among the relevant tools identified in the resolution that were highlighted in his presentation were the following:

- Promote public education and awareness-raising in preventing genocide, war crimes, crimes against humanity, and ethnic cleansing;
- Use of social media to denounce acts of violence against women and children and to fight impunity;
- Adopt laws and policies to protect women and children, to prevent and criminalize sexual violence, and to provide redress for victims in times of peace and conflict, including the implementation of UN



Mr Neri Colmenares, a member of the Phillipine legislature, presented the IPU's R2P resolution during the seminar



Security Council resolution 1325;

- Ensure that international treaties to which states are parties are incorporated in domestic laws, particularly those dealing with human rights and protection of civilians;
- Adopt measures to respect rights of civilians caught in armed conflicts;
- Take necessary measures in bringing states' criminal and military law in accordance with international laws for protection of civilians in armed conflicts;
- Use parliamentarians' international network to promote the universal ratification of the Rome statute (International Criminal Court);
- Encourage their respective governments to support the creation and effective functioning of early warning systems and

Beyond advocacy, education, and building awareness about R2P and prevention of atrocity crimes, a number of parliamentarians stressed the need to implement the norm and respond more effectively to ongoing human rights violations and atrocity crimes happening in the region



Professor Alexander Hinton of Rutgers University, presenting a lecture on Khmer Rouge atrocities in Cambodia at the ASEAN Parliamentarians for Human Rights meeting

response at the national, regional, and international levels;

- Include funds in the state's national budget for protection of populations from violence and ensure their safety; and
- Assume responsibility in protecting the rights of refugees and their right to international protection, including fulfillment of their states' obligations to protect refugees and asylum-seekers.

Colmenares also pointed out that, apart from legislation or filing of bills in parliament, legislators also have two other important functions that are useful in promoting the prevention of mass atrocity crimes: to conduct investigation in-aid-of legislation and advocacy work. For example, legislative investigations can be an effective tool in enforcing R2P by holding accountable the executive or cabinet if it fails to effectively implement laws on human rights protection; inquiring into mass atrocity crimes committed by law enforcement agents or the military; or ensuring the state's compliance with international standards on human rights protection. The advocacy functions of parliamentarians include promoting awareness and education among their constituents about human rights protection, access to justice, and rule

of law; encouraging citizens to file complaints against impunity and human rights violations; and promoting the inclusion of human rights protection, respect for the rights of minority groups, and tolerance for diversity in the school curricula through resolutions. Across the region, parliamentarians could also engage in dialogue and exchange of information on resolutions, domestic laws, and results of investigations on human rights protection, laws against genocide and mass atrocity crimes, as well as education and training for incoming legislators on human rights and civilian protection.

Some of the important issues raised during the meeting include: 1) protection of minority groups, women, and children in conflict areas of Myanmar/Burma, including the Rohingyas in Rakhine state; 2) the limitations of the UN and ASEAN human rights mechanisms in addressing and responding to human rights problems in the region; and 3) the need to explore alternative venues for addressing human rights violations and mass atrocity crimes in Southeast Asia. Of particular interest to some parliamentarians in the seminar were cases filed in other countries against former heads of government for human rights violations during their tenure (e.g., in Spain against Pinochet of Argentina; and in Hawaii, USA against Marcos of the Philippines) and what other

parliaments/states can do to support not only the prevention of mass atrocity crimes occurring in other countries but in prosecuting the perpetrators of these crimes. Beyond advocacy, education, and building awareness about R2P and prevention of atrocity crimes, a number of parliamentarians stressed the need to implement the norm and respond more effectively to ongoing human rights violations and atrocity crimes happening in the region.

A number of concrete recommendations were made in the brainstorming session for consideration of the APHR participants in the meeting, to wit:

- Promoting the ratification of relevant international treaties (e.g., Rome treaty, Genocide convention, and Geneva conventions on civil and political rights, as well as social and cultural rights);
- Enacting of domestic laws against genocide and mass atrocity crimes;
- Ensuring that domestic criminal and military laws conform to international standards;
- Monitoring of human rights reports presented in the UN Human Rights Council and using these reports for parliaments to conduct investigations and advocacy in promoting human rights protection at home, including filing of complaints;
- Advocating for the independence of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and its representatives, in light of the upcoming review of the its Terms of Reference (TOR);
- Advocating for the ASEAN Inter-Parliamentary Association (AIPA) to include mass atrocity crime prevention in its agenda and program of activities;
- Engaging in a regional (ASEAN) and cross regional (with African Union and EU) inter-parliamentary dialogues to mainstream prevention of atrocity crimes;
- Promoting a regional declaration or convention against mass atrocity crimes;
- Promoting the protection of women and children against sexual violence, especially in conflict areas;
- Promoting rights of minorities through adequate legislation in

- Promoting national and regional dialogues in addressing risk factors and vulnerabilities for atrocity crimes of countries in Southeast Asia;
- Developing action plans relevant to building a national architecture for preventing mass atrocity crimes, including allocation of resources and funds in the national budget; and
- Promoting the creation of national and regional early warning and response systems as part of mass atrocity crime prevention architecture.

In view of the above, it was suggested that the APHR could consider taking the initiative in forming a Southeast Asian Network on Mass Atrocity Crimes Prevention as part of its human rights advocacy in the region. As a counterpart of the Latin American and African networks that were already created, this network could include not only states, but also parliamentarians, political parties, and representatives from civil society groups and academic institutions in the region who are committed to mainstreaming the prevention of genocide and other mass atrocity crimes.

APR2P, as part of its capacity building program, is currently in the process of organizing follow up activities in Indonesia and Myanmar before the end of the year in partnership with APHR and other institutions in order to move forward some of the above recommendations. In particular, there was strong interest among Indonesian participants in the meeting to hold a seminar on mass atrocities prevention for parliamentarians who will be in the human rights committee after parliamentary elections scheduled in April this year.

References

1. For more information about the APHR, see <http://www.aseanmp.org/>.
2. For the full text of the resolution, see <http://www.ipu.org/conf-e/128/res-1.htm>.

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