



AP R2P

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SPOTLIGHT ON R2P

Public Seminars on the High Level Advisory Panel's (HLAP) Report on Mainstreaming R2P in Southeast Asia: Bangkok and Jakarta

On 30 October 2014, the Asia Pacific Centre for the Responsibility to Protect and the Department of International Relations, Faculty of Political Science at Chulalongkorn University organized in Bangkok, the first public seminar in the region on the High Level Advisory Panel's (HLAP) Report, Mainstreaming the Responsibility to Protect: Pathway Towards a Caring ASEAN Community.

The public seminar was conducted in Thai and was attended by some 70 participants from academe, government, civil society, media, and officials from the military and police, Ministry of Foreign Affairs and Ministry of Justice.

On 27 January 2015, the Centre, in cooperation with Human Rights Working Group (HRWG)-Indonesia

and the Embassy of The Netherlands, organized a public seminar on the HLAP Report at the Erasmus Huis in Jakarta. Some 50 participants from various sectors attended the seminar, which was conducted in Bahasa Indonesia.

Based on these two public seminars on the HLAP Report, it is clear that R2P is not perceived as an alien concept or as being in conflict with ASEAN values and norms. However, it needs to be contextualized and properly understood through dialogue, building public awareness and deeper knowledge, and engaging further various stakeholders at the national and regional levels as part of mainstreaming the norm. A number of participants in these seminars saw the importance of incorporating R2P in local values, government policies,



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and in ASEAN's existing mechanisms to enhance capacity of states and societies in the region to prevent mass atrocities. It is important to note that, in the Jakarta seminar, there were suggestions on what the next HLAP Report should focus on, specifically on R2P's relationship with other norms in the region, enhancing the capacity of states and ASEAN as a regional organization, as well as the challenge of promoting accountability for past atrocity crimes.

Bangkok, 30 October 2014

Dr. Surin Pitsuwan, former ASEAN Secretary General and Chair of the HLAP, was the main speaker in the seminar. Discussants in the seminar were Dr. Amara Pongsapich, chairperson of the National Commission of Human Rights in Thailand; Dr. Sripraph Petcharamesree, Institute of Human Rights and Peace Studies, Mahidol University and first Thai Representative to the ASEAN Inter-Governmental Commission on Human Rights (AICHR); Dr.

“At the end of the day, if everyone, including states, take seriously their responsibility in protecting human rights and in preventing mass atrocities at home, there would be no need to fear or debate R2P.”



Dr. Surin Pitsuwan delivering his presentation of the HLAP Report and showing a copy of the Thai translation of the ICISS R2P Report.

Janjira Sombatpoonsiri, from the Faculty of Political Science, Thammasat University; and Ms. Achara Ashayagachat, a journalist from Bangkok Post. Dr. Pranee Thiparat, Assistant Professor at the Department of International Relations, Faculty of Political Science, Chulalongkorn University and Thailand country program coordinator of the Centre, chaired the seminar. Dr. Noel M. Morada delivered the welcome remarks on behalf of the Centre.

In his presentation, Dr. Surin provided a background to the concept of Responsibility to Protect and how the principle has evolved since its adoption in the 2005 World Summit Outcome Document. He explained the importance of this norm in relation to other principles such as human rights protection, rule of law, and protection of civilians including refugees and internally displaced people. R2P, according to Dr. Surin, is a 'diplomatic instrument' for protecting populations from the four atrocity crimes (genocide, war crimes, ethnic cleansing, and crimes against humanity) after the Cold War. He also identified some issues related to implementing the principle in the context of ASEAN, given the organization's traditional norms related to sovereignty and non-interference. Although it was

not specifically related to the four crimes associated with R2P, the humanitarian crisis brought about by Cyclone Nargis in Myanmar in 2008 was cited as an example of applying the concept in an attempt by ASEAN to play a crucial role as a "humanitarian bridge" in preventing the crisis from turning into mass atrocities.

In the context of Thailand, R2P may be applied if small conflicts—particularly ethnic or identity-based—are not resolved and escalate into crises. He added that R2P also speaks to the issue of extending human rights protection for refugees who are non-citizens in the country. Dr. Surin explained the purpose of the HLAP Report and why it is important to mainstream the concept of R2P in Southeast Asia by engaging various stakeholders in the region on how to promote and implement the principle. At the end of the day, if everyone, including states, take seriously their responsibility in protecting human rights and in preventing mass atrocities at home, there would be no need to fear or debate R2P.

For their part, discussants responded to the following questions: (1) How has R2P been received at a national level, namely through the work of National Human Rights Commission; (2) From the perspective of former



Dr. Noel M. Morada, APR2P Director for Regional Diplomacy delivering his welcome remarks at the start of the public seminar.

Jakarta, 27 January 2015

Ambassador Dr. Makarim Wibisono, member of the HLAP and currently UN Special Rapporteur on Occupied Palestine presented the HLAP Report, highlighting the significance of promoting R2P in Southeast Asia. Retired Lt. General Agus Widjojo and Ms. Roichatul Aswidah of the Indonesian human rights commission (Komnas-HAM) served as discussants in the seminar.

In his presentation, Ambassador Makarim Wibisono highlighted the key messages of the HLAP Report, namely:

- The ultimate objective of R2P is consistent with the overall goals of ASEAN Community and therefore is a logical extension of ASEAN's commitment to building a community of caring societies;

- The principle is not alien to the region inasmuch as Southeast Asia is already endowed with norms and values that support R2P;

- ASEAN already has various mechanisms and instruments that are relevant to the implementation of R2P, such as the Treaty of Amity and Cooperation, ASEAN Inter-Governmental Commission on Human Rights, and ASEAN Commission on the Protection of Women and Children, among others;

- Commitment of UN member states, including those from ASEAN, to the principle of R2P is consistent with international law; and

- ASEAN can work closely with the UN in implementing R2P as part of promoting international peace and security.

He also pointed out that regional cooperation to protect the peoples of Southeast Asia from the four crimes—genocide, war crimes, ethnic cleansing, and crimes against humanity—is necessary and corollary to the establishment of a caring and sharing ASEAN Community.

Ambassador Wibisono also provided

Representative to AICHR, how has R2P been received, interpreted and applied both at regional and local levels; (3) How the media in Thailand look at R2P and how it can be promoted; and (4) How do scholars in Thailand view R2P and how can it be promoted as part of the curriculum in higher education?

At a national level the norm has rarely been discussed, while the concept is in line with human rights protection. Although Thailand has no objection to the concept, it has not been active in promoting the norm at home. Among the salient points raised by the discussants were:

- The need to have a better understanding of the concept and respond to certain misconceptions about it (e.g., that R2P is all about military intervention) in the region;
- The constraints in adopting fully the principle in the context of ASEAN, which is still primarily a state-centered (and not a people-driven) organization; and
- The continuing tension within ASEAN on promoting human rights protection, specifically between

member states that adhere to universal values and those that believe in diversity of values. Accordingly, even the concept of human security was not fully adopted within ASEAN.

- In the context of Thailand, the R2P principle is important in that it is about protection of all people, including the protection of human rights of those who are non-citizens.

- A change in the mindset of those working in the security sector is therefore necessary in order to implement the principle in the country especially in protecting refugees and other non-Thai nationals.

- As well, the concept of R2P can also be advanced through its inclusion in Thailand's education curriculum even as the issue of its origin (or its inherently not being a Thai idea) should not matter. It should in fact be incorporated into the values of Thai society and both educational institutions and the media play a significant role in raising public awareness about the importance of the norm.



Ambassador Dr. Makarim Wibisono delivering his presentation on the HLAP Report.

the following recommendations for promoting and implementing R2P in Southeast Asia:

- Raise public awareness and knowledge about the norm;
- Develop and strengthen regional capacity for early warning and assessment through existing institutions, mechanisms, and relevant bodies in ASEAN;
- Consider the incorporation of the R2P crimes in the future agenda of AICHR;
- Support relevant civil society efforts to promote human rights protection and advance norms and principles of atrocities prevention;
- Engage stakeholders in a national dialogue on building national architecture to support the prevention of mass atrocity crimes;
- For ASEAN member states to seriously consider signing, ratifying, and implementing relevant international treaties and conventions in dealing with the four R2P crime (Indonesia, for example, was active in the deliberations on the creation of the International Criminal Court but thus far has not signed and ratified the Rome Treaty);

- For ASEAN member states to also consider appointing senior level officials as national R2P focal points to coordinate national efforts on mass atrocities prevention; and
- Enhance ASEAN-UN relations in promoting R2P through strengthening high level meetings, promoting regular dialogue between ASEAN and UN officials on peace and security, promoting young leaders dialogue, and for the UN Office of the Special Adviser on the Prevention of Genocide (OSAPG) to engage more with ASEAN, its member states, and relevant civil society groups in the region.

Some of the significant points raised by the discussants in response to Ambassador Wibisono's presentation were as follows:

- Given the differences in the vision and action of states on R2P, it is important to clarify the meaning of international responsibility aspect of the norm.
- The HLAP Report should address the international responsibility aspect of R2P, including the challenges and capacity constraints of states in the region, as well as the issue of

sovereignty and intervention.

- In mainstreaming R2P in the region, the HLAP Report should also address the boundaries of and the criteria for mainstreaming the norm, particularly the appropriate measures in responding to mass atrocities situation, including military response.
- The issue of accountability, especially in dealing with past atrocities, should be included in a follow-up HLAP Report, specifically in identifying judicial and non-judicial options for states and societies in the region in dealing with past atrocity crimes.
- Although R2P is not alien to ASEAN, it needs to be contextualized in the region and define its relationship with other norms, such as non-interference, in order to give more flesh to the pathways of mainstreaming R2P in Southeast Asia.

Participants in the seminar also responded to the HLAP Report and some of the points they raised include the following:

- The role of the ASEAN Commission on the Promotion and Protection of Women and Children (ACWC),



Ambassador Dr. Makarim Wibisono (left) with Mr. Rafendi Djamin, Executive Director, HRWG-Indonesia and Indonesian representative to AICHR, with discussants Ms. Roichatul Aswidah of the Indonesian human rights commission (Komnas-HAM) and retired LT Gen Agus Widjojo.

specifically in the context of prevention of sexual violence in the region should also be included in future H LAP Report.

- Contemporary crimes in the region relevant to R2P should also be addressed as part of focusing on accountability in future H LAP Report, including the protection of migrant workers and children, stateless children and slavery. These issues are continually being ignored in the region but are clearly linked to crimes against humanity.
- It is important to impart the H LAP Report's values and recommendations to the younger generation of Indonesians and for these to also be incorporated into policies of the Indonesian government, specifically to prevent atrocities against indigenous peoples and minority religious groups in the country.
- In signing and ratifying the ICC, for example, Indonesia should do so without reservations.

The public seminars on the H LAP Report in Bangkok and Jakarta are part of the Centre's continuing regional diplomacy in Southeast Asia to promote awareness and build constituencies around the R2P norm.

Based on the responses and issues raised by participants concerning the H LAP Report, it is clear that there is continuing and growing interest amongst stakeholders in Thailand and Indonesia in the R2P principle and in thinking about how it can be applied in their respective societal contexts. Specifically, they pointed to the importance of anchoring the R2P in local values or norms as part of mainstreaming the principle at the national and regional levels, as well as the need to for governments and ASEAN mechanisms to respond more effectively to human protection issues as part of their responsibility to protect populations from atrocity crimes. Next steps will involve identifying tangible actions towards implementing R2P.

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