

# ASIA PACIFIC OUTLOOK

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Asia Pacific Centre for the Responsibility to Protect

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Five issues stand out as particularly concerning due to the serious nature of the human rights violations: summary executions, enforced disappearances, arbitrary detention, discrimination and trafficking.

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Myanmar confronts multiple risks stemming from a range of internal armed conflicts, decades of military government and an ongoing but still fragile democratic transition.

### Implementing R2P in the Asia Pacific (p.19)

Across the national, regional, and global levels, we can see clear progress with respect to implementing the R2P. Government action, however, has generally lagged that of civil society.

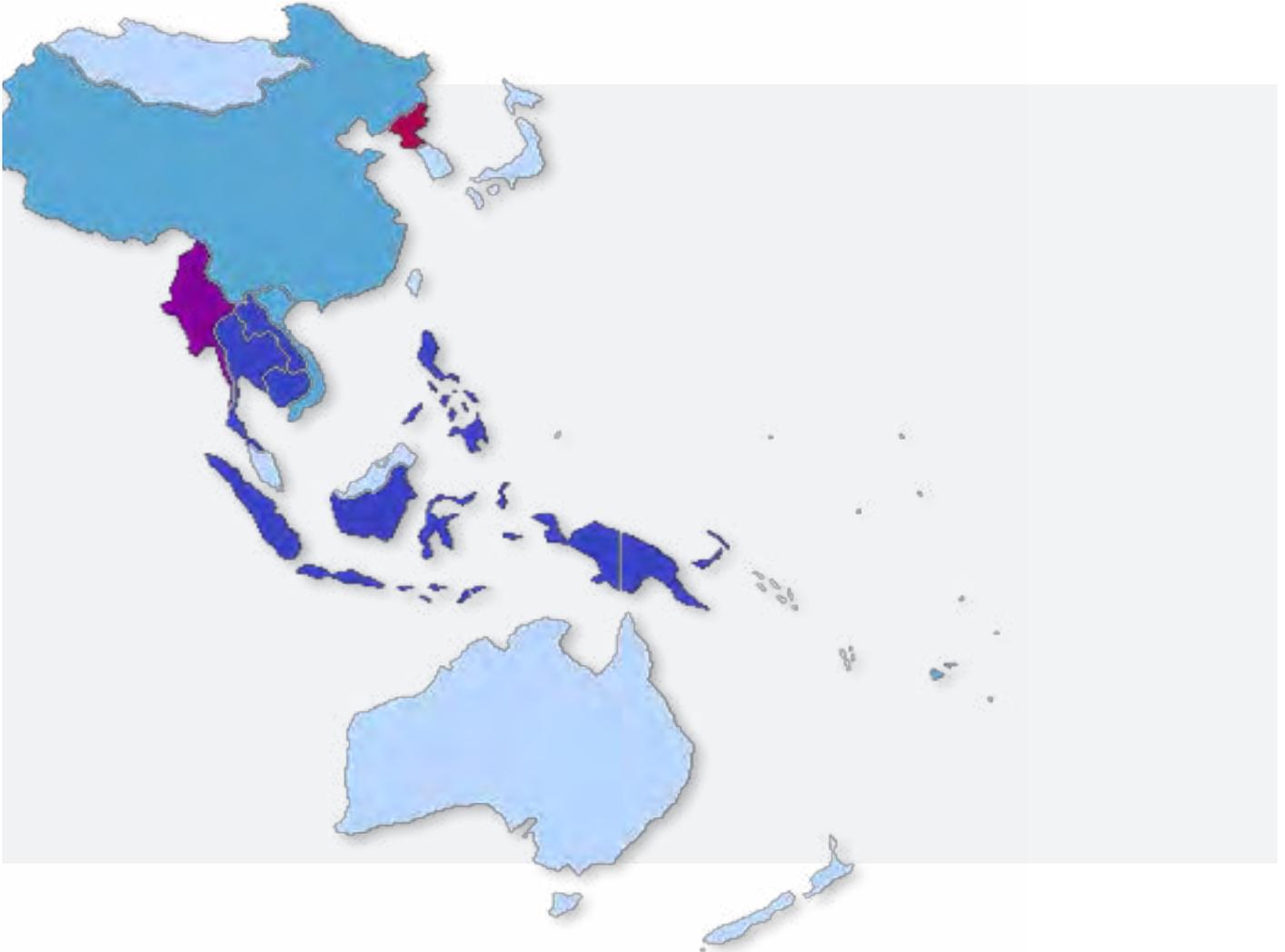


Australian Government  
Department of Foreign Affairs and Trade



THE UNIVERSITY  
OF QUEENSLAND  
AUSTRALIA

# REGIONAL RISK ASSESSMENT



**Very High** Korea, DPR

**High** Myanmar

**Moderate  
(high to low)**  
The Philippines  
Indonesia  
Papua New Guinea  
Laos  
Timor-Leste  
Thailand  
Cambodia

**Low** China, Fiji, Kiribati, Vietnam

**Very low** Australia, Brunei, Japan, Malaysia, Marshall Islands, Micronesia, Mongolia, Nauru, New Zealand, Palau, Korea R, Samoa, Singapore, Solomon Islands, Taiwan, Tonga, Tuvalu, Vanuatu

# IN FOCUS : DPRK

According to the UN Secretary-General and the Special Rapporteur on the situation, there has been no progress in addressing the systematic, widespread and gross human rights violations documented in the February 2014 Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (DPRK). As the Special Rapporteur, Marzuki Darusman, highlighted in his September 2015 report, five issues stand out as particularly concerning due to the serious nature of the human rights violations: summary executions, enforced disappearances, arbitrary detention, discrimination and trafficking.

## Summary Executions

In 2015, the Supreme Leader ordered the execution of some fifteen individuals by firing squad, on espionage charges or on charges related to criticizing the regime's policies. These execution orders add to the 1,382 persons who were reportedly publicly executed between 2010 and 2014, and are part of a pattern of summary execution of people considered by the Supreme Leader to threaten his rule.

## Abductions and Enforced Disappearances

Since 1950, the DPRK has engaged in systematic abductions and subsequent enforced disappearances of an estimated 200,000 foreign nationals. In May 2014, the DPRK agreed to investigate cases of Japanese nationals who were abducted in the 1970s and 80s, in exchange for Japan easing sanctions on the country. Initial progress in negotiations stagnated after December 2014, when DPRK authorities suspended dialogue in protest of Japan raising the issue in the UN. Since then, DPRK authorities have failed to deliver on their promise to issue a comprehensive report on the abductions, which was due in July 2015.

## Arbitrary Detention and Torture

The DPRK continues to hold an estimated 80,000 to 120,000 persons accused of political crimes in five prison camps located in remote areas of the country. According to recent testimonies given by escapees to OHCHR officials in Seoul, DPRK authorities continue to torture, punish and degrade prisoners, and subject them to hard labor and intense pressure to profess loyalty to the Supreme Leader. Recent accounts are consistent with the systematic and severe abuse of prisoners documented in the report of the Commission of Inquiry.

## Discrimination

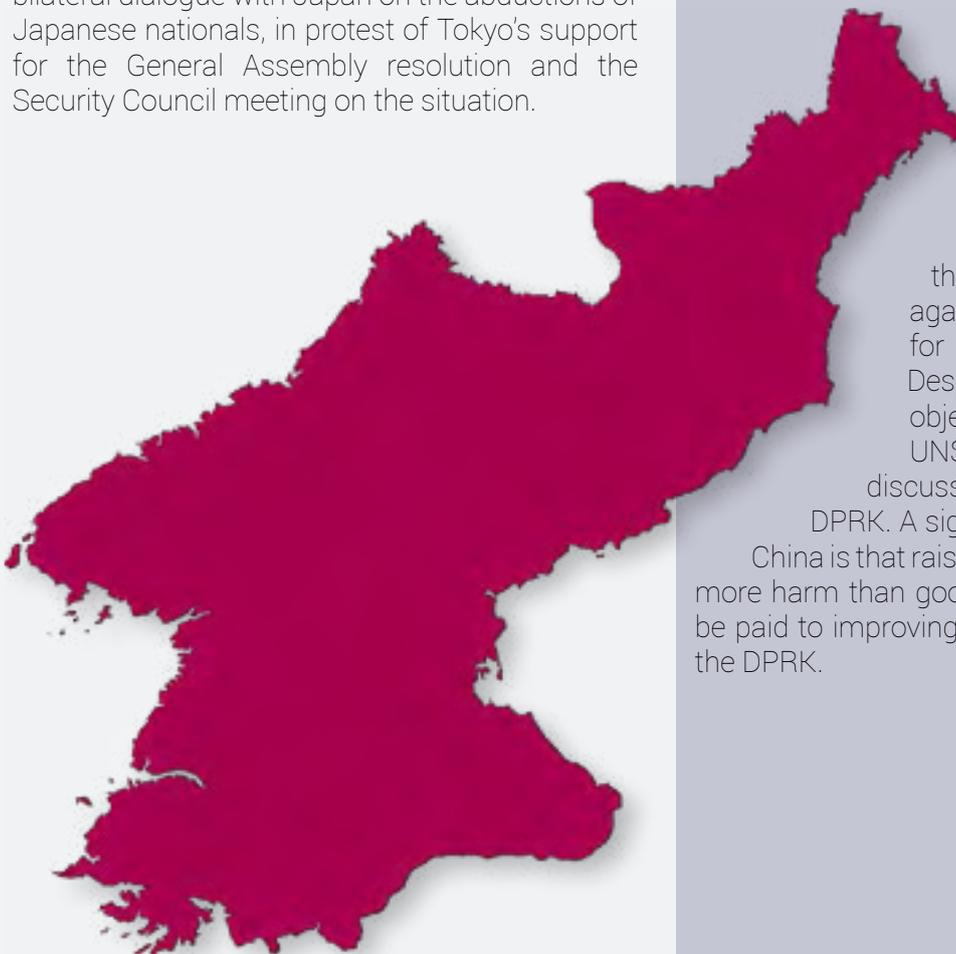
Discrimination in the DPRK is deeply entrenched, and rooted in the *songbun* system, which classifies people on the basis of a state-ascribed social class or status. The *songbun* system deeply impacts peoples' lives, as an unfavorable *songbun* restricts where people are allowed to live, their access to education and employment, and their food rations. As the Commission of Inquiry reported, *songbun* intersects with pervasive gender discrimination and discrimination against persons with disabilities, resulting in the further marginalization and human rights violations of these groups. While these forms of discrimination exist in other countries, the regime's systematic discrimination represents a particularly acute pattern of human rights abuses, as it is part of the wider effort to exert an extreme level of State control over people's lives.

## Defectors and Trafficking

More than 70 percent of the defectors from DPRK are women. Of these, approximately 70-90 percent become victims of human trafficking and are subjected to forced marriage and sexual exploitation in China and other Asian countries. An estimated 20,000 children born of DPRK women currently reside in China, where they cannot access education or health services because registering their birth exposes their mother to risk of refoulement. Male and female defectors repatriated to DPRK face harsh punishment, including torture and imprisonment in camps, where pregnant women are subjected to forced abortions.

## Efforts to Address the Situation

Following the publication of the report of the Commission of Inquiry in 2014, DPRK authorities showed unprecedented willingness to engage with UN human rights processes. In an unprecedented gesture, DPRK officials met with the UN High Commissioner for Human Rights in Geneva in September 2014, indicating that Pyongyang was willing to cooperate with the OHCHR in technical assistance. A month later in New York, DPRK officials met for the first time with the Special Rapporteur, and discussed the possibility an official visit of Mr. Darusman to the country. DPRK authorities ceased engagement with the OHCHR in December 2014 following the General Assembly's Resolution (69/188) calling for the UNSC to refer the situation to the ICC and the Security Council's subsequent meeting on the human rights situation in DPRK, which marked the first time that the situation in DPRK had been added to the UNSC agenda outside of nuclear proliferation issues. Despite strong opposition from China, the human rights situation in the DPRK is now formally on the UNSC agenda, due to procedural vote (which is not subject to veto, and only requires majority support). In addition to withdrawing offers of engagement with the OHCHR, DPRK suspended bilateral dialogue with Japan on the abductions of Japanese nationals, in protest of Tokyo's support for the General Assembly resolution and the Security Council meeting on the situation.



The DPRK continued to outspokenly protest the UN's attention to the human rights situation in June 2015, when the OHCHR opened a field office in Seoul. The office is mandated by the Human Rights Council to strengthen monitoring and documentation of the human rights situation in DPRK; promote accountability; enhance engagement and capacity-building and maintain the visibility of the human rights situation. In response to the opening of the Seoul office, the DPRK state-run Committee for the Peaceful Reunification of Korea issued public statements threatening to attack the OHCHR office, and accused the ROK and US of engaging in an anti-DPRK smear campaign. The Special Rapporteur undertook a 5-day visit to the Republic of Korea from 23-27 November 2015, but Pyongyang continued to deny his repeated requests for a country visit.

Despite the DPRK's vehement objections, the international community continues to call for accountability measures and place pressure on the regime to improve human rights. On 19 November 2015, the General Assembly adopted an annual resolution on DPRK, which passed with overwhelming support (112-19-50). Consistent with the recommendation of the Special Rapporteur, the resolution again called on the UNSC to take action to ensure accountability, including a referral to the ICC or targeted sanctions against those found responsible for crimes against humanity. Despite China's continued objections, on 10 December the UNSC met for a second time to discuss the human rights situation in DPRK. A significant matter of concern for China is that raising the issue in the UNSC does more harm than good, and more attention should be paid to improving the humanitarian situation in the DPRK.

## DPRK: Recommendations

The COI and Special Rapporteur have endorsed a two-track strategy to address the human rights situation, which centers on ensuring accountability for crimes against humanity, while also continuously seeking to engage with DPRK authorities. The experience of the last year has demonstrated the difficulty of moving these strategies forward in tandem, as DPRK officials have linked their willingness to constructively engage with UN officials on the condition that the General Assembly and Security Council drop reference to the ICC or other accountability measures.

Progress may be made in addressing the human rights situation through the following measures:

### DPRK

The DPRK should cease threats against the OHCHR office in Seoul, and carry through with its 2014 commitments to engage with the OHCHR in technical assistance and receive the Special Rapporteur for a country visit. DPRK should also respond positively to other outstanding requests for country visits, including: the 22 May 2015 request of the Working Group on Enforced or Involuntary Disappearances, and the 17 April 2015 request of Working Group on Arbitrary Detention. In addition, DPRK authorities should faithfully implement the recommendations of the Universal Periodic Review that they voluntarily accepted, particularly concerning the rights of children, women and persons with disabilities.

### Regional Actors

Regional actors, including China, Japan and ROK should continue to pursue opportunities for dialogue. Recently there are some promising signs of quiet diplomacy by Japan, with the assistance of China, to carry forward dialogue with the DPRK on abductions and forced disappearances despite DPRK's continued unwillingness to engage in official bilateral dialogue. In November, Japan and DPRK officials held a series of informal meetings in China to discuss the issue of abductions.

China should consider adopting a people-centred approach to trafficking in persons, and provide trafficked DPRK nationals the right to stay in China and access to legal protection and basic services. China should further take measures to prevent agents from DPRK from abducting persons on Chinese territory.

### United Nations

Human Rights: Efforts should be made to engage the DPRK in a New York-based dialogue, with the aim to recommit to the 2014 offers to welcome technical assistance from the OHCHR and support the Special Rapporteur; and to refrain from threats against the OHCHR office in Seoul.

Humanitarian Relief: The Security Council and General Assembly should request a report from the Secretary-General on the humanitarian situation in DPRK, which includes details of the impact of sanctions on UN agencies operating in DPRK. Member States should provide adequate humanitarian funding for DPRK, and seek to minimize adverse humanitarian effects of sanctions on the country. The Security Council should continue its cycle of meetings on the human rights situation in DPRK.

Accountability: Concerned states and civil society should consider alternative routes of accountability considering continued objections in the UNSC to referring the situation to the ICC. Initial headway can be made by following through on the Special Rapporteur's recommendation to: (1) identify a comprehensive prosecution strategy for the future, which outlines possible accountability mechanisms to address crimes; and (2) conduct an in-depth mapping of the institutions and individuals responsible for crimes against humanity in DPRK, including the chain of command structure.

# IN FOCUS : MYANMAR



Myanmar confronts multiple risks stemming from a range of internal armed conflicts, decades of military government and an ongoing but still fragile democratic transition.

Amidst heightened concerns about atrocity risks, on 8 November 2015, Myanmar held its first democratic elections in more than two decades that saw Aung Saan Suu Kyi's National League for Democracy (NLD) winning by a landslide against the ruling military-backed Union Solidarity and Development Party (USDP). Nationwide, the NLD won 887 seats (77.1%) of the total 1150 seats in both the upper and lower houses of the union parliament as well as the state/regional parliaments. The USDP came at a distant second, with a total 117 seats (10.1%). The ruling party early on conceded defeat and President Thein Sein congratulated the NLD for its overwhelming victory in the polls.

2015 Election		NLD: 887	USDP: 117	Other: 146
2012 Election	NLD: 41	USDP: 336	Other: 287	
2010 Election		USDP: 388		Other: 276

Overall, the elections were peaceful, orderly, and free despite some reports of disenfranchisement of voters in conflict-affected areas of the country where the military conducted operations against rebel groups in Shan and Kachin states before and after the elections. The Rohingyas were also not allowed to vote. As a result of the government's decision to accept the results, the immediate risk of violent conflict and atrocity crimes has receded. However, Myanmar is only at the beginning of a long transition and significant risks remain.

After the official results of the elections were announced, Suu Kyi held talks with President Thein Sein and military commanders with a view towards a peaceful transfer of power between the USDP and NLD by the end of March 2016. These talks are crucial not only to ensure peace and stability after the elections but also to enable Suu Kyi to strike a delicate balance between securing her party's mandate to govern and avoiding steps that could prompt the military to intervene. Indeed, notwithstanding the NLD's victory, the military remains in control of key government positions under the current constitution that was adopted by the regime in 2008.

Specifically, the Tatmadaw controls:

- 25% of the seats in the union and state/regional parliaments;
- Key security cabinet positions (home, defence, and border control) as well as 5 of the 11 seats in the National Defence and Security Council;
- The military, police, paramilitary forces and militias throughout the country.

The military is permitted to intervene anytime in order to "protect the constitution" and any attempt to challenge the military in parliament such as amending the constitution will likely be resisted fiercely.

As the NLD-led government in Myanmar takes over, Suu Kyi will have to navigate carefully a number of competing interests. Apart from its institutional interests, the military also has economic interests to protect (e.g. mining, transport, banking, manufacturing, etc.) and could complicate further peace negotiations between the new government and ethnic groups in conflict areas of the country.

The NLD supports federalism that grants full autonomy to ethnic minorities but the military is wary of such arrangements particularly in resource-rich border areas. (Following Burma's independence in 1948, Suu Kyi's father, General Aung San, promised to grant full autonomy to ethnic minorities under the Panglong peace agreement, but this has long been abandoned by the military.)

The Myanmar government has been negotiating a Nationwide Ceasefire Agreement with various armed rebel groups in the country but has secured only 8 out of the 15 original signatories to the Nationwide Ceasefire Coordinating Team (NCCT) in October 2015. A major sticking point is that most ethnic groups demand that the Panglong agreement be used as the basis of peace negotiations instead of the current constitution of Myanmar, which has very limited provisions for minority rights protection and autonomy, a position that is resisted by the military. Clashes between the government and Kachin rebels (among those who have not signed the agreement) and its allies over the past few months have displaced hundreds of thousands of civilians and resulted in severe humanitarian crisis in Kachin and Shan states. In early November, more than 10,000 people fled their homes in Shan state after the military began a series of offensives in October targeting rebels, civilians, schools and Buddhist temples. The Shan Human Rights Foundation (SHRF) documented eight cases of sexual violence against women by the military since April 2015<sup>1</sup>. (To learn more about sexual & gender based violence in Myanmar, [click here](#).) This prompted the US to call for a credible and independent investigation into atrocities committed by the Myanmar military in Shan state<sup>2</sup>.

The NLD-led government in Myanmar would have to carefully tread the peace negotiations with ethnic rebel groups and be able to persuade the military that a comprehensive political settlement of these conflicts is a better alternative to a military approach

in the long-run.

**Another priority for the NLD government is managing communal tensions in the country, particularly between Buddhist and Muslim groups in Rakhine and elsewhere in light of continuing social prejudice against the Rohingyas.**

While the NLD's electoral victory signaled a defeat for the Buddhist extremist group of U Wirathu and the MaBaTha movement's efforts to exaggerate the threat posed by the Rohingyas and other Muslim communities, it nonetheless remains a major risk factor for atrocities absent serious efforts to address the root causes of social discrimination. Despite its majority control of the parliament, it is unlikely that the NLD would immediately repeal the four discriminatory laws passed prior to the November elections that were aimed against the Muslim

minority and the Rohingyas in Myanmar as this would attract strong resistance from both the MaBaTha and some conservative elements in the military. It is important therefore for the NLD to encourage moderate Buddhist leaders within the country to engage in inter-faith dialogue with other religious minority groups

to combat the extremist views of the MaBaTha and create a pathway for reform. Securing the cooperation of the security sector, especially the police, is also important in preventing further flare ups of communal violence in Rakhine, Mandalay, and elsewhere. In the medium-term, the NLD should focus on strengthening domestic laws on human rights and minority protection in the country and ensure that these laws conform to international norms. It should also give priority to strengthening the protection mandate and capacity of the Myanmar National Human Rights Commission, as well as ensuring its autonomy and independence in accordance with the Paris Principle.

Protection of the Rohingyas in Myanmar will continue to be a sensitive issue for the NLD government and it is unlikely that it will push for the immediate repeal the 1982 Citizenship Law and other laws that deprive them of their basic rights and full citizenship. At best, the current policy of granting green cards (formerly white cards) to the Rohingyas who are willing to register as Bengalis will be sustained by the new government if only to avoid antagonizing the MaBaTha and their military supporters and then rekindling communal violence in the country.

 *The NLD-led government in Myanmar would have to carefully tread the peace negotiations with ethnic rebel groups and be able to persuade the military that a comprehensive political settlement of these conflicts is a better alternative to a military approach in the long-run.*

Even so, in contrast to the USDP, the NLD government may be more open to international assistance for capacity building in dealing with the Rohingyas in the country, especially in the areas of managing Myanmar's border with Bangladesh, handling refugees and migrants, as well as combatting human trafficking. The new government should also be encouraged to allow more international humanitarian assistance to the Rohingyas in Rakhine and cooperate with relevant UN agencies and international organizations in order to ease

their suffering. As well, the new government should also be encouraged by the international community and ASEAN to participate more meaningfully and contribute significantly to regional efforts in combatting human trafficking. At the same time, the international community including ASEAN should do more to help the parties find long-term solutions to the humanitarian crisis involving the Rohingyas in Myanmar, such as providing assistance for their resettlement.



UN photo: Refugees in Myanmar (2012)

**Notwithstanding the above challenges, it is important to recognize also that there are good opportunities ahead for Myanmar with the NLD taking over the government next year.** These opportunities, which could help mitigate risk factors for atrocities in Myanmar, include:

- More substantive and meaningful democratic reforms, especially in the areas of rule of law, good governance, human rights protection, and respect for fundamental freedoms
- Enhanced minority protection for recognized ethnic groups
- Increased confidence in the peace talks with armed groups
- Improved space for civil society groups in the country
- Improved space for freedom of expression for the press and the media.

As well, there are a number of **openings for engagement within Myanmar for capacity building:**

- The NLD parliamentarians, specifically in promoting human rights protection in the country through the ASEAN Parliamentarians for Human Rights (APHR), the ASEAN Inter-Parliamentary Organization (AIPO), and the Inter-Parliamentary Union (IPU)
- Civil society groups in promoting inter-faith dialogue, human rights protection and mass atrocities prevention through various bilateral and regional civil society networks in ASEAN
- The Myanmar Human Rights Commission and Myanmar representatives to the ASEAN Inter-Governmental Commission on Human Rights and other ASEAN mechanisms
- The Myanmar Peace Centre, which monitors all peace/ceasefire agreements between the government and rebel groups
- Various academic institutions through education and training on mass atrocities prevention and understanding atrocities risk factors
- The Myanmar police and the military, for security sector reform, conflict prevention, and peacebuilding.

## Myanmar: Recommendations

The historic win of the NLD in Myanmar should serve as a major catalyst for deepening the democratic transition in the country with the help of its neighbours and the international community.

**Myanmar should take advantage of the tremendous international goodwill towards it by giving priority to human protection and incorporating atrocities prevention in the pursuit of peace and stability in the country.** In particular, it should:

- Prioritise the furtherance of negotiations aimed at concluding National Ceasefire Agreements and advancing towards comprehensive political settlements.
- Ensure the protection of minority populations in the country and begin dialogue aimed at repealing discriminatory legislation.
- Seriously consider amending the 1982 Citizenship Law to provide minority groups in the country equal access to citizenship;
- Work vigorously to prevent and contain hate speech and propaganda against minority groups in the country;
- Take steps to ensure that perpetrators of violence, including government agents, are held accountable for their actions.

**ASEAN and its dialogue partners such as Australia, Japan, the EU and the US should continue to provide capacity building assistance for Myanmar as part of their Pillar 2 commitments to promoting R2P in the region. This includes ASEAN bilateral and regional support for Myanmar human resource development; Australia's support for training of the Myanmar police; Japan's human security and human development assistance; and the support of the EU and the US in peacebuilding.**

With regard to the Rohingya crisis affecting the region, ASEAN and member states that are directly affected by its spill over effects, should continue to engage in a regional dialogue aimed at developing a framework in addressing the issue. In particular, ASEAN should give priority to identifying areas of cooperation between Bangladesh, Myanmar and affected member states in countering human trafficking, protection of migrants at sea, and creating mechanisms for processing and repatriating victims of human trafficking. Notwithstanding that only Cambodia and the Philippines are signatories to the international convention on protection of refugees, other ASEAN member states should be encouraged to develop domestic laws and mechanisms that would ensure the protection of migrants.

**At the same time, under the NLD, the new government of Myanmar should also be encouraged to address the root causes of the Rohingya problem in Rakhine and to fulfill its primary responsibility to protect populations within its territory by winding back discriminatory legislation.**



# PROTECTION PRIORITIES

## MEDIUM RISK COUNTRIES



### The Philippines

Moderate risk of atrocity crimes in the Philippines is associated with three important issues:

1. the precarious state of the peace deal between the government and the Moro Islamic Liberation Front;
2. the protection of indigenous peoples in Mindanao who are caught between the communist insurgents and the military;
3. election-related violence in the run up to the May 2016 general elections.

The prospect for the passage of the Bangsamoro Basic Law (BBL) before the end of the President Aquino III's term in May this year has dimmed significantly in the aftermath of the tragic Mamasapano incident in Maguindanao in early 2015. The incident triggered public anger against the Aquino administration and the MILF following the massacre of 44 Special Action Force (SAF) troops who conducted counter-terrorism operations in the area. Some 90 Moro rebels, including MILF forces, have been charged in the killing of SAF men in violation domestic criminal laws and international humanitarian law. Although the MILF central leadership and its peace negotiating panel have committed to abide by the 2014 comprehensive peace agreement with the government even if the BBL is not passed by the Philippine Congress, the resumption of armed conflict in Mindanao cannot altogether be discounted as other non-MILF rebel factions could exploit the failure of the BBL's passage as an indictment against the MILF leadership and instigate violence against government troops and civilians.

Meanwhile, the ongoing conflict between the Armed Forces of the Philippines (AFP) and the communist New People's Army (NPA) in resource-rich ancestral domains of indigenous peoples of Mindanao will continue to pose risk of atrocities against civilians in the area. No less than the Philippine Commission on Human Rights has said that atrocities were being committed by both sides against the indigenous populations. Between 2001 and 2015, the Commission reported that it recorded 59 killings of lumads (indigenous peoples), of which 10 were committed by the AFP and 8 by the NPAs.<sup>3</sup> Over 3,000 civilians have been displaced in conflict-affected communities following a number of AFP operations against suspected communist sympathizers in September 2015. Despite calls from various human rights groups for a UN Special Rapporteur to investigate the killings indigenous peoples, the Philippine government has refused to allow the UN to undertake such investigation.

Political violence is likely to increase in the country in the run up to the May 2016 elections. The proliferation of private armed groups and small arms and light weapons in the Philippines will increase the risk of atrocities in the first half of 2016. Specifically, a number of politicians and political clans have committed impunity and extra-judicial killings at the local level against persons in the media, political rivals and their supporters, as well as anti-corruption activists. In 2012, some 85 private armed groups exist in 30 provinces throughout the Philippines, some of which were maintained by local government officials (e.g., mayors, governors, village heads).<sup>4</sup> During elections, private armed groups are used by politicians to intimidate voters and supporters of rival candidates.<sup>5</sup> In November 2009, the Maguindanao massacre involving rival political clans in the Autonomous Region of Muslim Mindanao (ARMM) resulted in the signing of the first domestic law in the Philippines against genocide and crimes against humanity.<sup>6</sup>

## The Philippines: Recommendations

In order to minimize the risk of atrocities in the context of the above issues, the Philippine government should:

- continue to uphold its commitment to peace in dealing with the MILF notwithstanding the dimmed prospects for the passage of the BBL before the end of President Aquino's term;
- uphold the protection of indigenous peoples in Mindanao by ensuring that elements within the AFP and paramilitary groups are held accountable for atrocities committed against the Lumads.
- allow the UN Special Rapporteur on Protection of Indigenous Peoples to conduct an impartial investigation on atrocities involving both the AFP and the NPA to send a clear message that the government is serious in ending impunity against indigenous peoples.
- Contain election-related violence by taking more serious efforts to disband private armed groups by implementing laws against proliferation of small weapons and gun smuggling as well as filing cases against politicians/political clans who have committed impunity and extra-judicial killings.

## Indonesia

Indonesia has undergone a remarkable transition in the past two decades. Not only has it made the transition from military dictatorship to stable democracy, it has also resolved a series of conflicts that have in the past given rise to atrocity crimes such as those in Aceh and East Timor. The Indonesian government has frequently voiced its support for the Responsibility to Protect and commitment to implementing the principle. It has established strong National Human Rights Institutions and mechanisms for inter-faith dialogue and conflict resolution. A number of challenges remain, however, in particular a number of sectarian conflicts that have the potential to give rise to inter-communal atrocity crimes by non-state armed groups. Three stand out:

- Aceh
- West Papua
- Islamist terrorism (in Sulawesi and elsewhere)

Among the most pressing of these situations is in Aceh. Granted significant autonomy by its peace agreement with Jakarta, the regional government in Aceh has allowed the passage of Sha'ria law and has tightened religious restrictions. There has also been an increase in religious violence against minorities. In October 2015, approximately 500 Muslim extremists burned down an Indonesian Christian Church and Roman Catholic Church in Aceh's Singkil regency, on the grounds that the churches were allegedly operating without a permit. This sparked clashes with Christians defending a third church, in which one person was killed. Indonesian security forces were deployed to restore order and three alleged perpetrators were arrested. Around 5,000 Christians reportedly fled the region.<sup>7</sup>

Secessionist conflict in West Papua also contains atrocity risks, with both government forces and secessionists accused of targeting civilians. In December 2014, five teenagers were killed and 17 injured in clashes between protestors and security forces. Indonesia's President Widodo subsequently demanded a full investigation and announced a number of initiatives aimed at reducing tensions. These include an end to the transmigration of Javans to Papua (opposed by the Minister responsible), the lifting of the travel ban imposed on foreign journalists and the release of several Papuan political leaders. Low-level violence has, however, continued. On 9 September, the Free Papua Movement kidnapped two Indonesians, who were subsequently freed by security forces.<sup>8</sup> Earlier in the year, a crowd of around 200 Papuans attacked a group of Muslims and burned a Mosque in Christian-majority Tolikara. The police intervened, killing one attacker and injuring 11 others.<sup>9</sup>

Islamist terrorism continues to be a threat in Indonesia. Groups affiliated with Islamic State were thought responsible for a Chlorine attack on the Jakarta shopping centre. There are particular concerns that "hundreds" of extremists have returned to Indonesia from fighting with IS in the conflicts in Iraq and Syria and that these pose an immediate threat inside Indonesia. As a result, the government has tightened anti-terrorism legislation and embarked on military exercises and other activities targeting suspected terrorists.



## Indonesia: Recommendations

It is important to recognize the outstanding progress made by Indonesia. The international community should provide assistance when requested to help the government and civil society to tackle these remaining challenges. Key steps include:

- The appointment of a National R2P Focal Point to coordinate national and international efforts.
- The promotion of inter-faith dialogue and local capacities for conflict resolution in regions affected by communal strife.
- The provision of diplomatic and material support to President Widodo's reform effort in Papua.
- The development of a comprehensive strategy for tackling violent extremism and provision of external support where requested.
- Consideration could be given to the question of whether the central government exercises sufficient control over regional government and security apparatuses.



## Papua New Guinea

Papua New Guinea confronts a number of challenges. Shortly after independence it experienced armed conflict as a result of the civil war on the island of Bougainville and, whilst the peace there holds, it remains relatively fragile. Most worryingly, PNG has high levels of communal violence and extremely high levels of sexual violence. Indeed, it is judged by many to have the highest rate of sexual and 'domestic' violence of any country in the world outside a context of armed conflict.<sup>10</sup> Some field workers report that the level of violence in PNG is similar to that experienced in armed conflict affected regions such as eastern Democratic Republic of Congo.

This endemic violence, which in some cases is sufficiently organized and systematic to potentially constitute crimes against humanity, also means that there is a high risk that any armed conflict in the country would be accompanied by widespread and systematic sexual and gender based violence.

High rates of violence are partly a result of the government's relaxed attitude. Intra-family violence was criminalized only in 2013, and reports suggest that significant sections of the community still do not understand that it is illegal. Enforcement of the law has not been especially rigorous and impunity remains the norm. A recent report by Australia's Lowy Institute found that whilst much of the violence occurs within families, it comes in many forms and contexts including tribal, opportunist, cultural, institutional, and spiritual. Sorcery and witchcraft remain prevalent, especially in rural areas and sexual violence, sometimes involving the torture and burning of victims, is common. Men are also victims of sexual violence, as are children, but women endure by far the largest share of it.<sup>11</sup> Endemic sexual violence has many sources: grinding poverty, low levels of development and education, deeply entrenched discrimination against women and girls, limited legislative protections and limited enforcement of the law, and social dislocation leading to chronically high levels of unemployment, alcoholism and drug abuse.

## Papua New Guinea: Recommendations

It should be understood that endemic sexual violence may constitute crimes against humanity and certainly increases the risk of such crimes in situation of armed conflict. Comprehensive local and national strategies are required, supported by international partners in line with Pillar 2 of the Responsibility to Protect. In particular, the government of PNG and its partners should:

- Ensure improved access to justice for the victims of sexual violence (including through programs such as the PNG-Australia Law and Justice Program).
- Tackle impunity by strengthening the training and accountability of security forces, including police.
- Increase support for victims.
- Develop and implement a strategy for reinforcing anti-violence norms amongst men.
- Empower women through increasing educational and economic opportunities.



## Laos

Laos is governed by the Communist Party and the governments imposes strict controls on freedom of expression and other political rights. Historically, the principal atrocity threat has come in relation to the Hmong, some of whom aided the US during its military campaign against Laos in the 1970s. Fearing reprisals, hundreds of thousands of Hmong fled Laos but many have since returned, some as a result of forcible repatriation by Thailand. As late as 2006, Hmong claimed that civilians were subjected to indiscriminate force by soldiers from Laos and Vietnam and some of these claims were verified by external actors.<sup>12</sup> The situation has steadily improved since then and no specific threats to the Hmong are

currently reported by the UN or other major human rights organizations such as the International Crisis Group or Human Rights Watch. Human Rights Watch's principal concerns relate to the general human rights situation (especially freedoms of expression and association) and continuing (though rare) examples of forced disappearances (of civil society leaders).<sup>13</sup> Assuming that there are no significant crises, it is expected that conditions in Laos will continue to improve and that the risk of atrocities will decline from moderate to low.

### Laos: Recommendations

The government of Laos should take additional steps to strengthen human rights and consolidate the gains that it has made. Specifically, it should:

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, enact appropriate implementing legislation, and cease the practice of enforced disappearances.
- Cease the harassment of civil society groups and activists.
- Review policies towards ethnic minorities, especially the Hmong, to ensure that groups are not subjected to discrimination.
- Participate in dialogue about R2P and the prevention of atrocity crimes.

The international community should ensure that development partnerships with Laos are sensitive to the risks and should prioritize support for capacity building in relation to atrocity prevention and conflict resolution.



## Timor Leste

The region's newest state, Timor-Leste recovered well from the 2006 crisis that saw the state come close to collapse. In that case, communal and ethnic tensions spiralled into violence as police, army and disaffected resistance veterans fought one another, forcing some 100,000 Dili residents to flee. Oil and gas revenues helped the Aliança da Maioria Parlamentar (AMP) government headed by Xanana Gusmão to spend its way out of conflict by financially rewarding the surrendering rebels, whose desertions from the army had set the 2006 crisis in motion, providing grants to encourage the return of displaced civilians, granting generous state pensions to the

veterans, and granting lucrative construction contracts to other potential spoiler groups. These measures helped the government restore peace and stability. National elections in 2012 were peaceful, judged "free and fair" and returned the government to power with a more sweeping majority. The government's pragmatic approach to conflict resolution has certainly succeeded in stabilizing the country, and the situation there has significantly improved over the past decade resulting in a reduced risk of atrocity crimes. However, the government's approach also means that whilst groups have been 'appeased' through financial rewards, many of the underlying tensions and problems remain unaddressed.<sup>14</sup> There are concerns that the falling price for oil might reduce the government's income stream and inhibit its

capacity to continue using financial leverage for peace. Unless structural reform occurs, a downturn in economic fortunes could rapidly place the country into another crisis.

### **Timor Leste: Recommendations**

With support from external donors – in line with Pillar 2 of R2P – the government of Timor-Leste should redouble its efforts to reform its security services to ensure that they are professional, effective and democratically controlled by the government. It should also undertake a national assessment of atrocity risks and sources of resilience and develop a national action plan for prevention which could be supported by external partners. To coordinate these activities, the government should consider appointing a National R2P Focal Point.



## **Thailand**

Thailand presents a range of paradoxes. It is one of the region's better developed countries and it has repeatedly voiced its commitment to R2P and outlined some of the steps it is taking to implement the principle. Yet, today, it finds itself governed by the military once again and confronting a lingering insurgency. Thailand continues to be plagued by political conflict on two fronts, either of which could escalate into atrocity crimes if not managed effectively. The first is the ongoing conflict between supporters of former Prime Minister Thaksin Shinawatra ('red-shirts') and his opponents ('yellow-shirts'), who back the current military government. After several months of sometimes violent

protests, the army moved in to restore order but the underlying tensions and conflicts remain.<sup>15</sup> The second is the Islamic insurgency in the country's south. Low-level violence has continued there this year and peace efforts have largely stalled. In the middle of the year there was a series of bomb attacks in Narathiwat, Pattani in which several people were killed and dozens injured including civilians and security forces. In response, on 20 July security forces launched an attack on insurgents in Pattani that killed two. Other violence included the killing of a village chief and wounding of three others by gunmen in Yala, a motorcycle bomb on 10 July that exploded in Songkhla, killing three civilians and the injuring of seventeen soldiers in a coordinated insurgent attack on a defence volunteer base in Yala on 30 July. A few months earlier, Yala province was targeted by a string of bomb attacks orchestrated by the Malay-Muslim insurgents.<sup>16</sup> On 17 August 2015, a bomb exploded at the Erawan shrine in Bangkok, raising concerns about the potential spread of terrorism to the capital. The authorities concluded, however, that the perpetrators were Uighur people-smugglers disgruntled by a recent government crackdown against people smuggling.

### **Thailand: Recommendations**

It is crucial that the process of transitioning back to civilian and democratic government continues. This should be done in full consultation with all the relevant parties. Political unrest in Bangkok has stalled the peace process in the south, leading to an upswing of violence there, some of it targeting civilians. It is imperative that all parties abide by their legal obligations to not use force against civilians. The government of Thailand should fulfill its responsibility to protect by protecting civilians from terrorism and insurgent attacks and should explore options for negotiations with the insurgents. The insurgents too must refrain from targeting civilians and should be prepared to enter negotiations in good faith. All those responsible for violent crimes against civilians must be held accountable.



## Cambodia

Once known for its “killing fields”, the Khmer Rouge genocide between 1975 and 1979 that resulted in the deaths of one-quarter of the country’s population, Cambodia has made rapid progress and is currently one of the region’s fastest growing economies. It has also made significant strides towards implementing R2P, through initiatives such as genocide education and the Extraordinary Chambers of the Courts of Cambodia (ECCC) trials of former Khmer Rouge leaders.

In 2015, Cambodia’s Prime Minister, Hun Sen, committed his government to appointing a national R2P focal point. Generally speaking, most indicators of risk in Cambodia are moving in a positive direction, suggesting a reduction in risk overall. However, in at least two areas tensions have increased over the past twelve months.

First, the forceful and sometimes violent acquisition of land by large corporation and elite members from small farmers has caused sporadic and locally based violence. Estimates suggest that some 22% of the country’s land has been forcibly confiscated, much of it from indigenous minorities exacerbating inter-communal tensions.

Second, in advance of elections in 2016, there are signs that the government and elements aligned with the ruling party are using judicial and extra-judicial means to intimidate and weaken opposition leaders. This includes the use of mobs to beat and intimidate opposition MPs and the issuing of an arrest warrant against opposition leader Sam Rainsy. In November 2015, the UN Secretary-General expressed his “concern” at these political developments.<sup>17</sup> Besides their effect on the democratic process, these actions could have the effect of exacerbating conflict between groups and of heightening the risk of electoral violence.

“ Generally speaking, most indicators of risk in Cambodia are moving in a positive direction, suggesting a reduction in risk overall. However, in at least two areas tensions have increased over the past twelve months

### Cambodia: Recommendations

The government of Cambodia should implement in full the commitments made by Prime Minister Hun Sen in February 2015 by appointing a National R2P Focal Point, taking further steps to implement the principle domestically, and taking the lead on fostering regional dialogue. It should also heed the call of the UN Secretary-General to “resume... cooperation and dialogue” with opposition parties in advance of the election and to “refrain from violence, intimidation and harassment”. It is imperative that the government take steps to ensure a “non-threatening environment of democratic dialogue” which is “essential for political stability and a peaceful society”.<sup>18</sup>



Photo from the Responsibility to Protect at 10 conference in Phnom Penh

# SEXUAL & GENDER BASED VIOLENCE

Sara E. Davies (Director, Prevention of Sexual Violence Unit)  
Jacqui True (Board Member, Asia Pacific Centre for R2P)

In 2008, the UN Security Council adopted **resolution 1820 which stated that sexual violence in conflict situations was a threat to international peace and security, and these situations warranted the ongoing attention of the Security Council.**

Subsequent resolutions 1888 and 1889 detailed the roles that the Security Council, the UN Secretariat, its Agencies and Offices, as well as member states ought to play in preventing and responding to sexual violence. Also established was the UN Secretary-General Special Representative on Sexual Violence in Conflict, charged with providing the data and evidence that informs the UN Secretary-General's annual reports on sexual violence in situations of concern to the Security Council. Data collection is a vital precondition for the implementation of Resolution 1820 and its mandate to both prevent and end to the use of sexual violence by state and non-state armed groups.<sup>19</sup> In 2010, the Security Council further stepped up its initiative, calling for the Secretary-General to support UN-wide coordination to inform and support the mandate of the Special Representative (SRSG) on Sexual Violence in Armed Conflict (SVAC), who was invited to provide briefings on situations of sexual violence to the Security Council.<sup>20</sup>

**These annual reports provide an important assessment of widespread and systematic sexual violence. These acts can constitute genocide, war crimes and crimes against humanity and are therefore of immediate concern to the Responsibility to Protect. R2P requires the prevention of such sexual and gender-based violence.**

The Secretary-General's reports document sexual and gender based crimes in conflict, post-conflict, and 'situations of concern'. They include gender based crimes against ethnic, political and religious minorities, violence targeted against displaced populations, particularly women and children, and a focus on situations where there may be a culture of impunity pertaining to sexual and gender violence. **Between 2012 and 2015, the UN Secretary-General has received verified and corroborated evidence from within the UN system on 29 cases of states and non-state armed groups perpetrating sexual and gender-based violence. Several of these have come in the Asia Pacific region.**

**Table: Sexual Violence in Armed Conflict, Gender Inequality & Mass Atrocities (2012-2015)**

	2012	2013	2014	2015	OECD SIGI Inequality above average - 2012 or/& 2014 indices
<b>Cambodia</b>	No entry	Yes: Other situation of concern	Yes: Post-conflict	No entry	No
<b>East Timor</b>	Yes: Post-conflict	Yes: Post-conflict	No entry	No entry	Yes
<b>Papua New Guinea</b>	No entry	No entry	No entry	No entry	Yes
<b>Myanmar</b>	Yes: Conflict	Yes: Conflict	Yes: Conflict	Yes: Conflict	Yes

## Myanmar

The most persistent case on the Secretary-General's list from the region is **Myanmar**. There, sexual and gender-based violence is related to a range of practices of discrimination and entrenched inequality. Women experience restrictions on their movement and choice of residence in conformity with traditional, government or religious practices. There are no legal quotas to promote women's political participation, participation is accordingly very low. There are also significant restrictions on physical integrity. Myanmar has no history of sexual harassment laws, and few legal provisions to protect women or provide follow up service provisions after to the victims of gender-based violence. Rape law is modest and not rigorously enforced. The penal code refers only to the unwanted penetration of a man's penis into a woman's vagina, marital rape is not included. The successful prosecution of rape is rare, and often traditional practices are relied upon, which may include the perpetrator marry the victim or pay family compensation. Surveys of the prevalence of violence against women suggest this violence is high and there is also a high level of acceptance of domestic violence by women, although reproductive autonomy is improving in this specific area.

In light of the protection priorities listed concerning Myanmar (above), when it comes to preventing sexual and gender based violence, it is important therefore to recognize several points:

- First, sexual and gender-based violence can constitute genocide, war crimes, and crimes against humanity. Its prevention is therefore a key element of R2P and monitoring risk is important. When prevention has failed, it is important to support efforts to criminalize and prosecute sexual and gender-based crimes. Amnesties should not be permitted for any party in ceasefire process or agreement.
- Second, political constraints on civil society and human rights organizations limits access to information. It should be stressed that the absence of reporting, particularly in displacement camps, does not mean the absence of violence. Reporting sexual and gender-based remains taboo in many societies because of both political and social constraints.
- Third, particular attention ought to be paid to the inequalities and patterns of discrimination that give rise to these types of violence. As well

as constituting problems in their own right, these forms of inequalities-- such as ethnicity, politics, religion, identity – compound discrimination and marginalization against women (in particular). Legislation and policy around reproductive rights can be important signs of a society's risk of atrocity crimes against particular minorities.

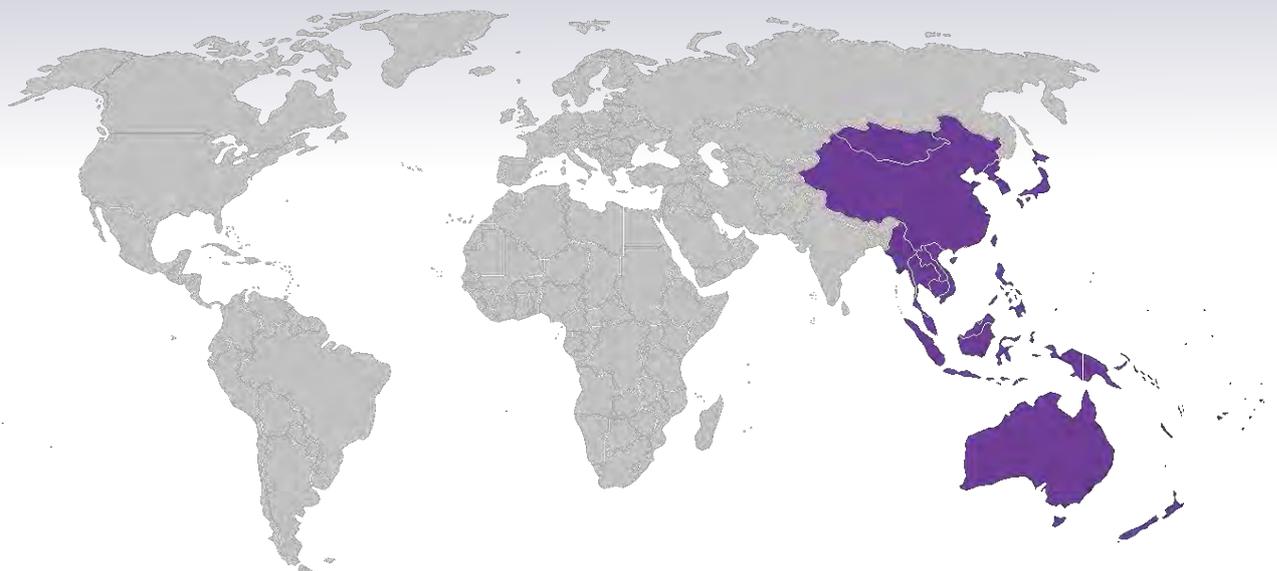


Photos taken during the [2014 Jakarta workshop on prevention of violence against women in conflict and humanitarian situations](#).

## Implementation matters

Significant developments in the implementation for R2P in the Asia Pacific included:

- In February 2015, Cambodia hosted a major international conference to mark the tenth anniversary of R2P. Speakers included Cambodia's Prime Minister, Australia's Foreign Minister, the UN Secretary-General's special advisor on R2P, the Chief Prosecutor of the International Criminal Court and the UN's Special Representative on the Prevention of Sexual Violence. The conference was attended by experts and officials from over 20 countries in the Asia Pacific and was hosted by the Asia Pacific Centre for R2P, the Cambodian Institute for Cooperation and Peace, the Global Centre for R2P, the Stanley Foundation and the International Coalition on R2P. The conference was book-ended by the UN's first regional consultation held within the region itself and a civil society meeting on the implementation of R2P in the Asia Pacific.
- In June 2015, 25 fellows drawn from government, civil society and the media in Cambodia, Indonesia and the Philippines spent three weeks in Australia undertaking an Australia Awards Fellowship on "Toward a Culture of Prevention: Advancing Women, Peace and Security in ASEAN".
- The appointment of **National R2P Focal Points** by the Republic of Korea and Japan, and a commitment to do so by Cambodia's Prime Minister. Korea will host the 2016 meeting of the global focal points network which now comprises more than one quarter of the UN's entire membership.
- September 2015 saw the creation of the **Asia Pacific Partnership for Atrocity Prevention**, comprising founding members from Australia, Cambodia, China, Indonesia, Malaysia, Singapore and the US. The partnership will be launched at a conference in Beijing scheduled for April 2016.
- The Second Annual **Australia-China R2P dialogue** saw the parties agree a comprehensive work plan for the coming years, including joint work on the crisis in Syria and a joint project on atrocity crimes perpetrated by non-state armed groups.
- The High Level Advisory Panel on R2P in Southeast Asia, chaired by Dr. Surin Pitsuwan, held a number of events to disseminate its report on the implementation of R2P. These included events in Phnom Penh, Jakarta and Bangkok.
- In November/December 2015, the Asia Pacific Centre for R2P and International Coalition for R2P co-hosted a series of extended workshops in Bangkok, Jakarta and Kuala Lumpur at which delegates from Thailand, Cambodia, Indonesia, The Philippines, Malaysia and Myanmar utilized the UN's framework of analysis to develop draft national action plans for atrocity prevention. These plans will be further developed in 2016, ready for implementation by 2017.
- The government of The Philippines agreed to host the 2016 conference of the Global Action Against Mass Atrocity Crimes network, a government-led initiative focused on the prevention of mass atrocities. The conference will be held in Manila in February.
- The ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children will partner with the Asia Pacific Centre for R2P in 2016 for training purposes.



# ISSUES IN BRIEF

## IMPLEMENTING THE RESPONSIBILITY TO PROTECT IN THE ASIA-PACIFIC

*Phil Orchard (Research Director, Asia-Pacific Centre for the Responsibility to Protect)*

In the ten years since the United Nations World Summit endorsed the Responsibility to Protect (R2P), there has been a substantial shift in focus towards its implementation. In the World Summit Outcome document, the individual member states of the United Nations accepted their responsibility to protect their own populations from genocide, war crimes, ethnic cleansing, and crimes against humanity; to use diplomatic, humanitarian, and other peaceful means to protect other populations from atrocity crimes in cooperation with regional organisations; and, in cases where national authorities are manifestly failing to protect their populations, for the Security Council to undertake actions through Chapter VII of the UN Charter on a case by case basis.<sup>21</sup>

Secretary-General Ban Ki-moon, in his 2009 report on the Responsibility to Protect, reframed R2P as three linked pillars. Pillar one refers to the state's own responsibility to its population, pillar two to the international community's responsibility to assist the state, and pillar three to the duty of the international community to take timely and decisive action in situations where the state has manifestly failed to protect its population.<sup>22</sup> With this recasting, the question has become what individual states, regional organizations, and the international community as a whole can do to ensure that each state upholds its responsibility to protect its own population. Further, As Jennifer Welsh, the Special Advisor to the UN Secretary-General on the Responsibility to Protect, has noted, there is an "international responsibility to assist states to fulfil their protection responsibilities, and to respond in a time and decisive way when they have manifestly failed to do so. This international responsibility, however, also has a domestic dimension."<sup>23</sup>

Thus, the question can be asked of what should be done within the Asia Pacific to further the implementation process. Two significant reports have addressed this question. In 2011, the Council

for Security Cooperation in the Asia Pacific (CSCAP), composed of leading think tanks in the region, issued a memorandum on implementing the R2P in the Asia-Pacific Region.<sup>24</sup> In 2014, a High-Level Advisory Panel on the Responsibility to Protect in Southeast Asia was convened by Adama Dieng, the Special Advisor to the UN Secretary-General on the Prevention of Genocide, and issued its own report.<sup>25</sup>

Both documents contain similar recommendations. At the national level, both reports encouraged to continue processes of dialogue and awareness raising in order to support the prevention of mass atrocity crimes. They also encouraged governments in the region to appoint senior-level officials as national focal points, individuals who could coordinate national efforts and lead engagement in regional and global dialogues. While a total of 51 countries have appointed a national R2P focal point, within the region only the Republic of Korea and Japan have made an appointment, while Cambodia has made a pledge to appoint one.

The High-Level Advisory Panel also encouraged governments to consider signing, ratifying, and implementing relevant international treaties and conventions. This is also echoed in the most recent report by the UN Secretary-General on implementing the R2P, which notes encouragingly the move "by several States to become parties to the relevant legal instruments pertaining to genocide, war crimes, ethnic cleansing, and crimes against humanity" but also added that these need to also be implemented at the national level through revisions of criminal law or practical measures.<sup>26</sup> However, there remains a mixed record of ratifications across the Association of Southeast Asian Nations (ASEAN) states with respect to core international treaties and conventions.

At the regional level, developments have been slower. The High-Level Advisory Panel focused on

the role of ASEAN, recommending that it develop and strengthen regional capacity for early warning, regional consultation, and give consideration to incorporating atrocity crimes into the agenda of the ASEAN Intergovernmental Commission on Human Rights (AICHR). While the AICHR's Terms of Reference do not give it a mandate to monitor human rights violations, it does have a mandate to enhance public awareness of human rights and to promote capacity building.<sup>27</sup> In addition, it can draw on the 2012 ASEAN Human Rights Declaration. While the Declaration does not specifically note the R2P, it lays out a human rights framework which recognizes the civil and political rights in the United Nations' Universal Declaration of Human Rights, including an inherent right to life, to personal liberty and security, "to freedom of movement and residence within the borders of each State," and "the right to seek and receive asylum in another State in accordance with the laws of such State and applicable international agreements."<sup>28</sup> The Declaration therefore provides a foundation for further implementing R2P within the region.

The Panel's report also noted the need to support relevant civil society efforts. Here, for example, the ASEAN Parliamentarians for Human Rights has been playing an increased role, including in a recent report which applies the United Nations Framework of Analysis for Atrocity Crimes to the Rohingya situation in Myanmar.<sup>29</sup> Further, in October 2015, the Asia Pacific Partnership for Atrocity Prevention was established. This Partnership is designed to build both regional expertise and capacity on atrocity prevention and to establish pathways between regional mechanisms and global institutions. It includes a range of actors, including the Asia Pacific Centre for the Responsibility to Protect; the Global Centre for the Responsibility to Protect; and the ASEAN Parliamentarians for Human Rights; but also a number of nationally-based organizations, including the Cambodian Institute for Cooperation and Peace, the Centre for Non-Traditional Security based at Nanyang Technological University,

Singapore; the Indonesian-based Human Rights Working Group, and the Research Centre on the United Nations and International Organizations, based at the Beijing Foreign Studies University in China.

The CSCAP memorandum focused on the wider ASEAN Regional Forum, but here too it recommended establishing early warning mechanisms, including through a Risk Reduction Centre, to develop diplomatic mechanisms and regional capacity to prevent atrocity crimes, and to establish consultative mechanisms to advise the UN Peacebuilding Commission and to support national capacity building. An international conference held in Phnom Penh in February 2015 also noted that the ASEAN Regional Forum should host a regional dialogue on R2P.<sup>30</sup>

Finally, both reports touch on the need to strengthen the relationship between regional actors and the UN, including through regular dialogue, training, and the provision of information. Here, the annual reports and dialogue held within the United Nations provides an opportunity for continued engagement. In the most recent informal General Assembly dialogue, for example, China, Indonesia, Malaysia, Myanmar, the Philippines, and Thailand all spoke.<sup>31</sup>

Thus, across the national, regional, and global levels, we can see clear progress with respect to implementing the R2P. Government action, however, has generally lagged that of civil society. Important steps forward can be made following the recommendations from the two reports. Governments in the region should examine appointing their own R2P focal points and consider ratifying key international instruments related to atrocity crimes. At the regional level, ASEAN and the ASEAN Regional Forum should consider holding regional dialogues on R2P, while the ASEAN Intergovernmental Commission on Human Rights could be given a more formal role around the prevention of mass atrocities.



## Risk Assessment: a Note on Method

This regional survey contains the Centre's first public assessment of the risk of atrocity crimes in the Asia Pacific region. It should be stressed that this is not a "forecast" predicting where and when atrocities will be perpetrated in the region but an assessment of underlying risk, examining where atrocities are more – and less – likely. It is to be used as a suggestive guide as to where preventive and other efforts to implement R2P should be focused. Over time, it will also allow readers to identify situations where risk is increasing and those where it is declining.

The Risk Assessment is based on a two-stage process. Drawing on the existing academic literature on factors associated with heightened risk of atrocity crimes and the UN's Framework of Analysis of Risk Factors, the first stage involves examining a country in relation to ten baskets of measures, namely:

1. The politicization of identity groups;
2. Patterns of active social, ethnic, religious, political and gender discrimination;
3. Prior histories of atrocity crimes;
4. Evidence of the violent abuse of human rights;
5. The strength or weakness of the rule of law;
6. The strength or weakness of accountable government;
7. Prior histories of territorial loss;
8. Level of economic wealth;
9. Level of international economic interdependence;
10. Horizontal inequalities within society.

For each of these measures, we utilize multiple indices and data sources to generate a numeric assessment as to whether the factor is associated with no risk, a moderate degree of risk, or a significant degree of risk. These measures are then tabulated into a composite score related to five different levels of potential risk (negligible, low, moderate, high and very high). Sometimes, simple assessments of risk factors do not, by themselves, provide accurate pictures of a situation. For example, historical factors might outweigh recent positive developments and produce an assessment that is overly negative. The reverse may also be true in that the assessment might downplay recent trajectories of conflict escalation. As a result, our risk assessment includes a second, qualitative stage, where the Centre's experts examine the numeric scores against existing research and identify where there are specific threatened groups. From this, a corrected risk assessment is produced that combines both the basket of measures and qualitative assessment of each country. To ensure consistency, this process is applied in precisely the same way – using the same sources of data – to each country in the Asia Pacific region.



Photo taken at the Responsibility to Protect at 10 Conference in Phnom Penh

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## DPRK

- Alex Bellamy [A chronic protection problem: the DPRK and the Responsibility to Protect](#), International Affairs, Vol. 91, No.2 (2015).

## Myanmar

- Op-ed (2015) [Protecting the Rohingya: Delivering on a Shared Responsibility](#)
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- Op-ed (2014) [To Build Better Future Southeast Asian Leaders Advocate for Responsibility to Protect](#)

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- Spotlight (2015): [Public Seminars on the High Level Advisory Panel's \(HLAP\) Report on Mainstreaming R2P in Southeast Asia: Bangkok and Jakarta](#)
- Spotlight (2014): Preventing Mass Atrocities: [The Role of Parliamentarians and Civil Society Groups in Indonesia](#)

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- Spotlight (2015): [High Level Advisory Panel's Report on Mainstreaming Responsibility to Protect in Southeast Asia.](#)
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