



# AP R2P

Asia Pacific Centre for the Responsibility to Protect

P: +61 7 3346 64 • E: r2pinfo@uq.edu.au

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Speakers and participants to the first national dialogue on R2P and atrocities prevention in Cambodia

## SPOTLIGHT ON R2P

### Cambodia: National Dialogue on R2P and Atrocities Prevention

The Asia Pacific Centre for the Responsibility to Protect (APR2P) and the Cambodia Institute for Cooperation and Peace (CICP) co-organized in Phnom Penh the first national dialogue on R2P and atrocities prevention on 18-19 August 2016, with some 49 participants from government, academe/think tank, and civil society stakeholders in Cambodia. The main objectives of the Cambodia national dialogue on R2P and atrocities prevention include: 1) developing a consensus among participants about the relevance of R2P within the domestic context; 2) iden-

tifying the pertinent risk factors for atrocities faced by the country and how these could be addressed by government and other sectors in society; 3) identifying the strengths and weaknesses of the country's existing institutions, agencies, and mechanisms in managing these risk factors; 4) examining relevant past and present human protection issues in the country, in order to determine how the capacity to prevent future atrocities of the state and society could be enhanced; and 5) exploring the development of a national action plan to implement R2P, including the ap-

pointment of a national Focal Point, for purposes of fomenting national capacity to prevent atrocity crimes.

The opening remarks of the national dialogue were delivered by Ambassador Pou Sothirak, Executive Director of CICP; Ms. Lauren Tuohy, First Secretary of the Australian Embassy; and Dr. Noel M. Morada, Regional Director of the Asia Pacific Centre for the Responsibility to Protect (APR2P). Amb. Pou Sothirak underscored the importance of the first pillar of R2P, which is the responsibility of the state to protect its pop-



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At the opening session of the national dialogue on R2P and atrocities prevention: APR2P Regional Director Dr. Noel M. Morada (left), CICP Executive Director Ambassador Pou Sothirak (centre), and Australian Embassy First Secretary Ms. Lauren Tuohy.

ulation from mass atrocity crimes. However, he also recognised that the national government alone cannot meet the significant challenges that come with that responsibility. In order to implement the principle of R2P in Cambodia, it is essential that stakeholders from various sectors work together effectively in order to address the root causes of mass atrocities by increasing public awareness through education on national history, conflict prevention, human rights, and the values that are associated with International Humanitarian Law. A national action plan is needed to prevent genocide, war crimes, crimes against humanity and ethnic cleansing from recurring.

For her part, Ms. Lauren Tuohy referred to the dramatic situations in Syria, South Sudan, and Burundi where the Responsibility to Protect has not been sufficiently implemented. She applauded Cambodia's engagement towards implementing R2P. Ms. Tuohy also pointed out that Article 1 of the ASEAN Charter is strongly connected with the principle of R2P. Specifically, it sets out the purposes of ASEAN, which include the preservation and strengthening of peace, security, democracy, good governance, rule of law and to respond effectively to all forms of threats, transna-

tional crimes, and transboundary challenges. She also emphasized that, although R2P pertains only to the four major crimes of genocide, war crimes, crimes against humanity and ethnic cleansing, the connection between good governance, the rule of law, human security, and R2P is obvious. Ms. Tuohy also noted that, based on Cambodia's past experience with mass atrocities, the country could also play a key role in encouraging other ASEAN members to implement the norm of R2P.

Meanwhile, Dr. Morada underscored the progress made in generating

support for R2P worldwide and especially in Cambodia. He pointed out that the focus should now be placed on developing a national action plan, following a bottom-up approach to implementing the principle, which builds on the support of local champions, partners, stakeholders and friends of R2P. Specifically, they can work together and contribute to identifying key risk factors, appointing a national focal point, and developing an early warning system in order to prevent and respond to atrocities.

The highlights of the national dialogue were as follows:

### 1) Implementing R2P in the Cambodian context: the way forward

- Notwithstanding several achievements in dealing with past atrocities in Cambodia, some challenges remain in implementing R2P and atrocities prevention. For example, the government has yet to identify and address the risk factors for mass atrocities facing the country. Other challenges include promoting good governance and the rule of law, containing corruption in different sectors, increasing oversight and democratic control of the security sector, augmenting capacities for atrocities preven-



Chief, Public Affairs of the ECCC Mr. Dim Sovannarom (left) making a presentation on the work of the Extraordinary Chambers of the Courts of Cambodia, with Professor Pou Sovachana (centre) presenting on the role of "Friends of R2P Cambodia" network and CICP Executive Director Ambassador Pou Sothirak (right).



tion, and the financing of the Extraordinary Chambers of the Courts of Cambodia (ECCC).

- On the role of education for atrocities prevention, teaching youth about Cambodia's past as a means to achieve lasting peace and to prevent the repetition of mass atrocities is quite important. It was noted that a detailed analysis of the Khmer Rouge regime and its human cost is essential for understanding how mass atrocities came about, and for healing and reconciliation. For example, one of the projects of DC-CAM aims to encourage the young generation to study the past and to learn from history in order to build a better future.
- DC-CAM's workshops also aim to encourage discussion, especially among young students and their parents. Unfortunately, the older generation often tends to remain silent about abuses and suffering, which inhibits the healing of psychological scars. Understanding both the value of human rights and the mental healing process are essential for the process of peacebuilding in Cambodia. Furthermore, analysing the circumstances of the rise of the Khmer Rouge contributes to knowledge and values which foster the prevention of future atrocity crimes.



CICP Executive Director Ambassador Pou Sothirak (left) with Adviser to the Minister of Foreign Affairs and International Cooperation, H.E. Dr. Raoul Marc Jennar.

- With regard to the trials conducted by the ECCC, past trials dealt with the prosecution of the perpetrators only. Further consideration for compensation of the victims should be studied. In order to ensure transparency and to provide information to scholars, all documents of the trials will be uploaded by the ECCC's website soon. This initiative will no doubt help educators and scholars in developing instructional materials and qualitative research data for understanding Cambodia's history under the Khmer Rouge.

## 2) Building and enhancing national capacity for atrocities prevention in Cambodia: the role of stakeholders

- In order to establish a mechanism that can contribute to the prevention of mass atrocities in Cambodia, CICP initiated the creation of "Friends of R2P in Cambodia" network. It aims to promote awareness of the R2P principle across different sectors in Cambodia through public forums, community dialogues, workshops, and special events. The focus will be on the youth, relevant government bodies, and civil society groups. As a network of domestic champions of R2P, it will work towards strengthening the capacity of critical stakeholders in Cambodia through national dialogue, outreach, and education and training. More importantly, it will serve as a forum for active engagement with domestic and international stakeholders in promoting and implementing R2P in Cambodia and the region.
- Friends of R2P will also work towards developing an early warning mechanism at home that would encourage stakeholders to be alert to early warning signs of atrocities. It will also organise



Presenting comments on recommendations for R2P national action plan: from left, Dr. Kok Thay Eng (Executive Director, Cambodian Institute of Development), Professor Say Puthy (Pannasastra University), and Professor Pou Sovachana (Deputy Executive Director for Research and Publications, Cambodia Institute for Cooperation and Peace).

to get support for state institutions in their efforts to appoint a national focal point on R2P and a national action plan for the prevention of mass atrocities.

- The group will also work with critical Cambodian stakeholders, especially security sector bodies and government agencies in implementing R2P at home. Specifically, it monitor, document, and conduct policy-relevant research, and provide recommendations to government institutions in order to manage the relevant risk factors facing Cambodia. This engagement with the government sector will be part of the group's efforts to develop a national action plan, specifically for the creation of atrocity prevention mechanisms for the consideration of policy makers.
- The International Committee of the Red Cross (ICRC) in Cambodia focuses on the implementation of International Humanitarian Law (IHL) and can play a significant role in promoting atrocities prevention in the country. It can provide support for local civil society groups in promoting IHL and furtherance of the country's approach towards the realisation of the R2P norm, the specific laws that support it, and the principle of rule of law.
- In order to implement IHL, it is essential to provide training to police and military forces in Cambodia, which will help in sensitising them to international laws and standards on security sector competencies, humanitarian law, and alternative emergency resolution. As well, international treaties to which Cambodia is a signatory need an enabling domestic law to implement them. This would contribute to making the first pillar of R2P a reality.
- Civil society is an important role player in implementing R2P. Specifically, it can provide policy recommendations and home-grown knowledge to state bodies and the general public; assist in the implementation of



Participants discussing recommendations for R2P national action plan in the break-out group session.

international treaties through enacting domestic laws; help in raising public awareness on preventing atrocity crimes; and foster the development of national consensus and political will in implementing R2P. They could also encourage Cambodian citizens to take their right to suffrage and use it to influence the policymaking process in the National Assembly. Furthermore, education campaigns at the community level, which are being carried out by NGOs or citizens' groups, is important in fostering the citizens' sense of valuing human dignity.

- Human security is also a useful concept in building and enhancing national capacity for atrocities prevention in Cambodia. Specifically, it seeks to address the root causes of conflicts instead of simply reacting to problems, as the traditional security approach often does. An investment in rehabilitation or rebuilding aims to ensure that former conflicts do not breed future violence. The concepts of prevention and rebuilding are clearly embraced as the "responsibility to prevent", which are integral to the concept of R2P as initially developed by the International Commission Intervention and State Sovereignty (ICISS) in 2001.

### 3)Implementing R2P in Cambodia: risk factors and atrocities prevention

- The risk of mass atrocities in Cambodia is quite low, as the country is in relative peace. The transition from being a one party state to having a democratic opposition is a positive movement thus far and limits the risk of mass atrocities. However, there are growing concerns about the population's lack of trust in the current government institutions. Even though the constitution can be considered very democratic, it does not mean anything if human protection principles are not implemented. The weaknesses of some institutions are the sources of the risk factors that still exist in Cambodia, such as corruption and the lack of checks and balances. The latter in particular leads to the widening of the gap between civil society and the state, which creates the risk of escalating conflicts. Restrictions imposed by state institutions to discourses about mass atrocities, as well as the state's consideration of all critical discourse as oppositional, raise the tensions.
- A major challenge to atrocities prevention is the issue of sustainability. Following the bottom up principle, local ownership is necessary in the process of legal, institutional, and so-



cial implementation of R2P in Cambodia. Moreover, local ownership serves the linchpin that would enable the international community to better fulfill its obligations to assist states while addressing the sovereignty concerns of the latter.

- Security sector structures in Cambodia is one of the risk factors and serves as a major challenge in implementing R2P in the country. To some extent, capacity building assistance provided by external states can also become a risk factor too without internalisation of the R2P principle within the security sector.
- Other risk factors facing Cambodia include land grabbing, deforestation, exploitation of natural resources, widespread corruption, and institutional problems within the judicial systems. These factors contribute to low level of trust in state institutions and foster resentment against the government that adopts the policy of repression to maintain social control, which altogether could potentially lead to future violence in the country.

#### 4) Towards a national action plan for implementing R2P in Cambodia:

- There was consensus among the participants in the national dialogue about the urgency of appointing a national focal point as part of implementing R2P in Cambodia and to realise the government's commitment to the principle as underscored by no less than H.E. Prime Minister Hun Sen in February 2015. There is also consensus among the participants about the urgency of developing a national action plan in implementing R2P in Cambodia.
- It was agreed that Cambodia should be the first country in ASEAN to appoint a national Focal Point primarily to showcase its achievements in dealing with past crimes committed against humanity and preventing future atrocities. By being the

first ASEAN member to state to join the Global Network of R2P Focal Points,, it would also enhance the profile of Cambodia as a responsible member of the international community that is committed to the norm of R2P and its implementation not only at home but also in advancing it in the larger ASEAN region.

- Appointing a national focal point would enable Cambodia to take a leadership role in the region in supporting R2P through promotion of the norm, capacity building for states, developing early warning systems, and providing education and training for government and non-state actors.
- It is recommended that the main task of a national focal point is to coordinate national efforts in promoting R2P and implementing atrocities prevention at home. The person in charge should conduct research and provide relevant information and policy advice to government on preventing and responding to situations that could possibly lead to mass atrocity crimes.
- In order to advance the implementation of R2P in Cambodia, it is necessary to point out that the state and the royal government are the main actors even as it is necessary to acknowledge and value the government's efforts in the implementation of R2P.
- It is important that the network of stakeholders in the national dialogue play a constructive role. It is recommended that civil society organizations are available as advisors and work cooperatively with the government to provide recommendations toward the goal of accelerating the process of R2P implementation by the state.
- The role taken should be a supportive role by providing knowledge, assistance, and raising awareness, and fostering acceptance of the norm by policy-makers. CSOs should recognize that the primary role in implementing R2P and protecting the population

will ultimately remain with the state and formal institutions for legitimate policy formation.

- Non-state stakeholders can provide an essential contribution to support for R2P by building public awareness of R2P and atrocities prevention through engaging with universities, unions, schools, media etc. In this regard, the "Friends of R2P in Cambodia" network will be a main role player by organizing workshops, public lectures, community dialogues, and special events. The focus of its activities will be engagements with the Cambodian youth, relevant government bodies, and civil society organizations.
- It was recommended that the "Friends of R2P in Cambodia" network hold more informal meetings and to discuss further its agenda and medium-term plans. The network should stay flexible and pragmatic while not generating unrealistic expectations regarding the scope of its goals or the speed of achieving its stated objectives.

Overall, the first national dialogue on R2P and atrocities prevention in Cambodia served as a useful forum for critical stakeholders in the country in generating consensus on the strategies as well as in identifying the priority areas for implementing the principle in the medium-term. The Centre will continue working with CICP and other local partners in Cambodia in preparation for convening a follow-up national dialogue in the next six months or so, focusing on more detailed aspects of the national action plan, including the appointment of a national focal point.



**Dr Noel Morada**

**Asia Pacific Centre for the  
Responsibility to Protect**



**Presentations of recommendations for R2P national action plan in the plenary session.**

## **ASIA PACIFIC CENTRE FOR THE RESPONSIBILITY TO PROTECT**

Building 39A

School of Political Science  
& International Studies

The University of Queensland,  
St Lucia Brisbane QLD 4072

**P +61 7 3346 6435**

**E: [r2pinfo@uq.edu.au](mailto:r2pinfo@uq.edu.au)**

**W: [www.r2pasiapacific.org](http://www.r2pasiapacific.org)**



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