

# SPOTLIGHT ON R2P



## Cambodian R2P Program 2021

### How can International Mechanisms be Effectively Applied in The National Context to Prevent Atrocities?

Virtual Public Lecture on “How can International Mechanisms be Effectively Applied in The National Context to Prevent Atrocities?”

On 20 July 2021, 9:00-11:00am (Cambodia Time), CICP, with the support of APR2P, organized a virtual public lecture on “How can International Mechanisms be Effectively Applied in the National Context to Prevent Atrocities?” via ZOOM. There were more than 70 participants joining the online lecture via ZOOM, and 10 core members of the Friends of R2P-Cambodia attending in-person the event at CICP Office in Phnom Penh.

The webinar aimed to showcasing how international legal instruments as adopted during the Fourth Geneva Convention 1949 to codify the protection of civilians in armed conflict as well as

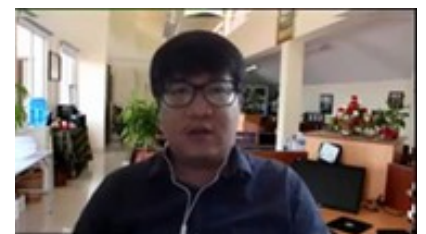
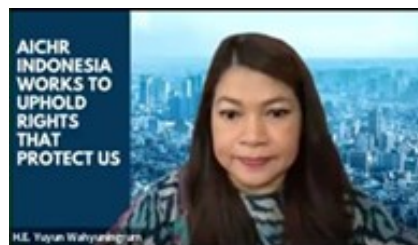
to debate on how groupings such as ASEAN and the United Nations can play a more effective role in preventing violence and stop haphazard slaughter in order to help Myanmar to return to normalcy once again, following the military coup in February 2021.

Two distinguished speakers were invited to discuss this topic namely, Prof. Soy Kimsan, Director, Center for the Study of Humanitarian Law, Royal University of Law and Economics, and H.E. Yuyun Wahyuningrum, Indonesia Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR). The online discussion was moderated by Amb. Pou Sothirak, CICP Executive Director.

Prof. Soy Kimsan spoke on the relevance of the 4th Geneva Convention and how the international community can help

Myanmar. He highlighted that the international instrument remains relevant for states and their obligations to protect their own populations. Those who are in charge of state affairs, regardless of legitimacy, are obligated not to inflict violence, killing, torturing and discriminating, in part or whole, segments of their populations. Linking this to the Myanmar situation, he said what the Burmese junta has been doing to suppress dissents and violently control the country is contrary to the Geneva Convention. Regardless how they took over the state power, the junta is still obligated under the international law to protect the Myanmar populations, not inflict violence against them.

In helping Myanmar, Prof. Kimsan suggested the international community should intensify its efforts in educa-



tion and awareness raising on R2P to the Burmese junta. If the international community remains lukewarm in investing in civilian protection education the violence and crimes will continue unabated. Although this might be too late now given how precarious the situation is now in Myanmar, the international community should not stop engaging with the junta especially preaching its obligations to protect their populations. Moreover, the international community should not try to overthrow the junta through military means because that would inflict full-blown civil war that is going to invoke more suffering for the Myanmar people. Rather, the international community should encourage the Burmese junta to engage in peaceful dialogues to have political settlements with all relevant stakeholders, so that there would be possible ways of peacefully transferring power through elections in the near future. Meanwhile, Prof. Kimsan added that Cambodia should play more active roles in helping Myanmar return to normalcy, particularly through telling its own story to the junta of the Cambodia's long journey from conflicts to peace from 1970s-1990s. Cambodia is a natural country to share its experiences on how it dealt with conflicts and returned to peace. This would help convince the junta that the Myanmar crisis could be ended through political settlements not brute forces just like the Cambodia story two decades ago.

H.E. Yuyun Wahyuningrum shared her perspectives on ASEAN's responses on the Myanmar crisis. She highlighted how ASEAN has intended to tackle this issue. Based on ASEAN Charter, ASEAN recognizes only "constitutional" governments. If there are any serious breaches of the Charter, the matter shall be referred to the ASEAN Summit for decision. There is no suspension clause in the ASEAN Charter. On this basis, so far, ASEAN has not recognized the legitimacy of the Myanmar junta although it has engaged on multiple occasions with them. Given the fact that ASEAN held a leaders' meeting on Myanmar on 24 April in Jakarta, this suggested ASEAN acknowledges that the junta did breach the ASEAN Charter.

In actuality, ASEAN has shown efforts to respond to the crisis. Right after the coup, the regional bloc released a statement calling for restraints of violence

and offering to play mediating roles to return the country to normalcy. ASEAN bodies including AICHR has been working hard to establish dialogues with relevant stakeholders to try to help ASEAN in addressing the crisis. Moreover, ASEAN, under the proactive leadership of Indonesia, then had several rounds of shuttled diplomacy before being able to convince the junta to join the leaders' meeting to accept the Five-Point Consensus on 24 April 2021 in Jakarta.

In addition, some ASEAN member states have also reached out to the shadow government formed by civilian politicians in Myanmar before and after the Jakarta meeting.

Despite regional efforts especially through the Five-Point Consensus, ASEAN has been slow in implementing such pledge. So far, it has not appointed the Special Envoy due to various disagreements within the group. H.E. Yuyun said there are many challenges ASEAN face in implementing the Five-Point plan namely: non-compliance of ASEAN member states; indecisiveness; lack of leadership; lack of coordination; lack of interests of ASEAN member states; lack of agreement on how to move forward; and lack of modalities

For possible ways forward, the AICHR Indonesia representative recommended the following:

- Immediately appoint the Envoy
- Provide humanitarian assistance for the people in Myanmar as soon as possible
- Prioritize public health (COVID-19) for women, children, elderly, sick people
- For the next ASEAN chair, Cambodia will play important roles in helping ASEAN responding to the Myanmar crisis, especially implementing the five-point consensus. Cambodia should consider bold steps from now on and dispatch Cambodian delegation to Myanmar to convince MAH to support Cambodia chairmanship next year by asking the Tatmadaw to agree to implement the ASEAN five-point plan.

Amb. Pou Sothirak closed the event by noting that the virtual public lecture was rich in substances especially on ways that ASEAN and Cambodia can

help Myanmar return to normalcy. It is undeniable that the Myanmar crisis has become a pressing issue that ASEAN must address. ASEAN has to overcome its current challenges in order to convince the junta to implement the Five-Point Consensus, or else its relevance is at stake. In addition, while ASEAN have critical roles to play due to the geographical proximity, the UN should step up more efforts in supporting the regional bloc to respond to the crisis. Lastly, Cambodia, as next ASEAN chair, can have important roles to play to support ASEAN by trying to convince the junta to implement the Five-Point Consensus. Given Cambodia's past experience and leading records in R2P, the country not only can help ASEAN in responding the crisis in Myanmar, but also advance civilian protection in the region, by first and foremost encouraging other ASEAN members states to ratify the Rome Statue to firm up their legal obligations to atrocity preventions.

Amb. Pou Sothirak expressed CICP's deep appreciations for APR2P for the invaluable supports for this Virtual Public Lecture and for the interesting contributions from all the participants, especially from the two esteemed speakers.



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