

# SPOTLIGHT ON R2P



## Cambodian R2P Program 2021

### Virtual Seminar on “Responding to the Myanmar Crisis: The Role of the UN and ASEAN”

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On 30 September 2021, from 8:30-11:30am (Cambodia Time), the Cambodian Institute for Cooperation and Peace (CICP), with the support of the Asia Pacific Centre for the Responsibility to Protect (APR2P), organized a virtual seminar on “Responding to the Myanmar Crisis: The Role of the UN and ASEAN” via ZOOM. There were about 100 participants joining the online lecture via ZOOM, and 15 core members of the Friends of R2P-Cambodia attending in-person the event at CICP Office.

The online seminar set sight on exploring immediate and practical roles that the UN and ASEAN could play to help the people of Myanmar from further suffering, providing the much-needed humanitarian assistance, and fostering

political settlements that could pave the way for the country to return to the path of genuine democratic transition and stability.

Three distinguished speakers were invited to discuss relevant issues regarding this topic namely, Mr. Kavi Chongkittavorn, Senior Fellow, ISIS Thailand, Dr. Noel Morada, Director in charge of Regional Diplomacy and Capacity Building, APR2P and Mr. Soy Kimsan, Director, Center for the Study of Humanitarian Law, Royal University of Law and Economics. The virtual seminar was moderated by Amb. Pou Sothirak, CICP Executive Director. Before the roundtable discussion, we also had the pleasure to listen a pre-taped video of the special remarks made by Prof. Alex Bellamy, Director of APR2P which set stage for the Webinar.

At the opening, the video of Prof. Alex

Bellamy’s special remarks was displayed to the online gathering. He said back at the UN World Summit in 2005, the international community pledges itself to the R2P principle. Therefore, all member states, regional and international organizations including the UN and ASEAN have the responsibility to work together in order to uphold the R2P to protect and prevent populations from the mass atrocity crimes namely, genocide, war crimes, crimes against humanity, and ethnic cleansing. R2P included specific roles for the United Nations, in particular, the UN Security Council, but also the full family of organizations related to the UN. Regional organizations such as ASEAN were in fact specifically referred to at several points in the General Assembly statement of commitment to the responsibility to protect. Therefore, regional organizations have special responsibilities for their own



Amb. Pou Sothirak



Prof. Alex Bellamy



Kavi Chongkittavorn



Dr. Noel Morada



Mr. Soy Kimsan

responsibility to protect populations living inside their areas.

Particularly, in Southeast Asia, nowhere is in dire situation of atrocity crimes than in Myanmar following the coup on 1 February this year. As for the role of the UN, the international body has responsibilities to support the people of Myanmar to protect the populations in Myanmar from atrocity crimes and should the authorities in Myanmar be manifestly failing to protect populations to take timely and decisive action. The questions are: what action should look like, what are the best strategies for supporting the prevention of atrocity crimes and protection of vulnerable populations is a key consideration for international policy debate that remains up in the air. In light of this challenge, Prof. Bellamy hold the view that this virtual seminar is of utmost importance to discuss practical matters that international and regional institutions such as the UN can play to help resolve the Myanmar. He commended CICP's efforts and wished the event a success.

As moderator, Amb. Pou Sothirak kick-started the roundtable discussion by providing the following context:

But mass crimes remain unabated until the present time. Human tolls are high and continues non stop. The crisis in Myanmar created by the seismic military coup is the testimony of how state fails to protect its citizen from the unfortunate atrocity, once again. The crisis in Myanmar has attracted global attention and ASEAN is under global spotlight in view of the mounting death toll and the spectrum of economic collapse and failing state ability to surmount the dreadful effects of Covid-19 pandemic.

The current political disaster which entailed by humanitarian tragedy with killing spree by the Junta in Myanmar has in turn raised serious question of the potential roles of relevant institutions, governments, ASEAN and the international community as a whole as to whether they should intervene to restore normalcy and prevent the country from submerging into a state of flux and protect civilians from violence and crimes inflicted by the ruthless hands of the military.

Amb. Pou Sothirak raised appropriate questions for the proceeding sessions:

What can the international community and the UN do to appease the situation? What can ASEAN do to help Myanmar return to normalcy? What can individual Southeast Asian states do to assist Myanmar? These are questions for our public lecture today and we have two excellent speakers, one from Cambodia and one from Indonesia who can help us unpack the crisis and share their perspectives on how the international bodies such as the UN, ASEAN or its individual member state response to this crisis.

Khun Kavi Chongkittavorn, as the first speaker, discussed how the UN and ASEAN can tango together regarding the crisis in Myanmar. He made three observations. First, the efforts of the UN and ASEAN in helping Myanmar has been dynamic and apparently uncoordinated. This is understandable given the difference in mandate and objectives between the two institutions. The UN prefers a swift return of democracy, release of political prisoners including Aung Sann Suu Kyi, breakthrough in political settlements and uninterrupted flow of humanitarian aids. These look good on paper but very difficult given the current situation on the ground where all conflicting parties do not show any signs of compromise. Meanwhile, ASEAN prefers a more incremental approach that is noted in the Five-Point Consensus that aims more in building trust with the junta to convince them to accept subsequent breakthroughs to help resolve the crisis. This approach has been widely criticized to be so slow and give a lot of strategic leverages to the junta. Therefore, it is important that the UN and ASEAN need to work together to find common grounds to effectively coordinate their responses in helping Myanmar. As first steps, the UN and ASEAN Special Envoys on Myanmar need to work together and build rapport to have clear and collective work plan to address the crisis.

Second, with the help of ASEAN and the UN, the political process has been going on to help resolve the crisis although this has not been successful so far. ASEAN, through the Five-Point Consensus, has tried to encourage political dialogues between all concerned parties in Myanmar as well as see the possibilities of release key political prisoners including Aung San Suu Kyi. But these have met with failures so far

due to the hardening situations by all conflicting parties on the ground. In the meantime, the UN's efforts to strike deal with key superpowers to allow the current Myanmar envoy appointed pre-coup continue to stay on his chair at the moment although he is prohibited from making any statements at the General Assembly. The UN's vote on who represent Myanmar at the UN will be pivotal to the dynamic of the crisis on the ground.

Third, the issue of delivery of humanitarian aids to Myanmar has been very delicate. ASEAN member states, particularly Thailand, have provided needed assistance and anti-Covid-19 vaccination to millions of Myanmar migrant workers working in Thailand. But collectively, channeling humanitarian aids to those within Myanmar has been challenging, mainly due to the current volatile and violent situation on the ground resulted from the Tatmadaw and other conflicting parties holding firm to their respective position. This stalemate will remain unless any breakthroughs are possible to convince the junta to accept aids delivery inside the country.

Next speaker was Dr. Noel Morada who examined the relevant roles of the UN in helping resolve the Myanmar crisis. The ongoing crisis in Myanmar following the military coup has been in dire conditions with thousands of civilians including women and children felling into casualties with many were arbitrary arrested. At the UN, efforts have been made to help lower the intensity of the conflict but with no avail. Now the battle between the Tatmadaw and NUG has also extended to claiming the Myanmar UN representative seat which will be voted in this November.

Hopeless with the current deadlock, many UN members have initiated the International Observers Group on Myanmar to follow up closely situations on the ground. The members of this group include the US, UK, France and other leading Western democracies. It remains to be seen what specifically can do to help steer concrete actions regarding the Myanmar agenda in the UN.

Dr. Morada also highlighted specifically the role of the UN in dealing with the Myanmar crisis including ensuring the swift and inclusive delivery of humanitarian and Covid-19 assistance to those

in need in Myanmar as well as creating favorable environment to have cease-fire between Tatmadaw, NUG and other ethnic armed groups. But he also noted some challenges in this role such as the current toothless UNSC's inability to enforce sanctions against the Tatmadaw as well as the issue of recognition who will represent the Myanmar seat in the UN. Regardless of what roles that the UN can do, the bigger question is that if the Tatmadaw will accept any efforts from the UN and how the UN decisions can be implemented to help resolve the crisis.

Lastly, Mr. Soy Kimsan spoke about the lesson learned from the Cambodia's peace process in helping Myanmar. He described the long decades of internal strife, political violence, and onto the peace process that Cambodia has experienced. Mr. Kimsan mentioned that the peace process in Cambodia is a long process but the country is luckier than Myanmar which has more complex communal violence. After decades of mass atrocities and civil wars, Cambodia reemerged following the signing of the Paris Peace Agreements in 1991, a comprehensive political deal to help end internal fighting and foreign interference in Cambodia. Two years later, Cambodia had elections under the supervision of the United Nations Transitional Authority (UNTAC). After the 1993 elections, Cambodia's peace process faced some hiccups. But these were solved after winning political parties stroke a deal to form coalition government and decided to have two prime ministers, under the high moderation of the late King Norodom Sihanouk. Meanwhile, Khmer Rouge reneged their commitment to PPA and caused armed disturbance their strongholds in remoted areas. The coalition government worked together for 4 years before an armed conflict broke again resulting to more casualties, with PM Hun Sen emerged victorious in July 1997 political violence. Following the 1998 elections, PM Hun Sen became the sole Prime Minister. Through his Win-Win Policy, Khmer Rouge was defeated and reintegrated into the national army, making the end of conflicts within Cambodia for the first time in decades and marking the start of continuous growth of national socio-economic development.

The Cambodia peace process has some challenges. As shown above, the pro-

cess lacks a component of human right and democracy. Cambodian leaders were interested in the so-called national reconciliation and political deals. They largely ignored the accountability of crimes that were committed in the past as well as the need to strengthen democratic system in Cambodia as noted in the country's constitution.

For Soy Kimsan, democracy is a long-term solution that is good for Cambodia. But as a country with weak institution and young foundation of democracy, Cambodia cannot be changed overnight to become a genuine because that would divide country in the short term and possibly lead to circle of revenge between winners and losers of elections. Cambodia's democracy also does not guarantee peaceful transition of power as some national and local powerful authority might not accept the election results due to fear of personal security, and decide to fight back brutally. In the meantime, the Cambodia's opposition is not clean either. They use whatever means to win over the ruling party including imploring demagogues and racial hatred against neighbor countries and some ethnic groups.

As to what Cambodia should do to help Myanmar, Cambodian leaders should approach the Myanmar junta and talk to them as a friend to convince them to consider the type of Cambodia peace process in the Myanmar situation. Cambodia should not jump ship with some countries to name and shame the junta as these approaches will not work. Cambodia should treat Myanmar as a person with trauma like Cambodia in the past. Therefore, dealing with Myanmar needs to be delicate.

Moreover, Cambodian and regional civil society and think tanks need to do more engagement with Myanmar people to share the Cambodia peace experience to them as well as to get to know which aspects of the process that can be recalibrated to suit the Myanmar context. Also, more education and capacity-building trainings are encouraged for Myanmar human right groups.

At the closing, Amb. Pou Sothirak declared the virtual seminar as successful as there were interactive and interesting exchanges of views between the distinguished speakers and online participants with some of the following

key takeaways:

- The Tatmadaw is a problem to the Myanmar crisis but the Junta is also hold key to possible solution.
- It is not a zero-sum game, but for the 5-point consensus to move forward effectively, ASEAN and the UN must work together to inject new approach to their strategies while engaging the Junta.
- Cambodia has a good story to tell Myanmar on how the country ended atrocities committed by the Khmer Rouge. Cambodia can serve as bridge for political dialogue among all stakeholders.
- We must believe in ASEAN and the UN system, because these are all we have, but more efforts and creative ideas are needed to restore normalcy back to Myanmar.

To conclude, CICP ED expressed his appreciation to all eminent speakers and online viewers for their valuable contributions to this virtual seminar. He also expressed CICP's thankfulness to APR2P for their support for this event.

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