

SPOTLIGHT ON R2P



Japan R2P Program 2021

Japan: First National Dialogue on R2P and Atrocities Prevention

The first Japan National Dialogue on the Responsibility to Protect (R2P) and Atrocities Prevention was held on 18 February 2022, and was organized by the Asia Pacific Centre for the Responsibility to Protect (APR2P), in conjunction with the Sophia Institute of International Relations (SIIR) and the R2P Network of Japan, with support from the Institute for Asia Human Community (AHC) of Waseda University. In the wake of the rapid spread of COVID-19 in Japan, the Dialogue was held online. The Dialogue included two closed sessions and a public seminar. The closed sessions were designed to reconsider the ambivalent relationship between the concepts of R2P and Human Security (HS) as well as Japanese praxis and its role. Furthermore, a public seminar was held after the closed sessions, in order to promote public understanding and nationwide discussion on R2P and Japan's role in responding to humanitarian crises and atrocity crimes.

The Japanese context inevitably requires the above reconsiderations as the first step for succeeding dialogues on R2P and Atrocities Prevention in

the coming years. While international understanding and discussions concerning R2P have advanced to a certain extent in the 20 years since its inception, Japan has remained stagnated in its understanding and discussion. This gap can be attributed to R2P being perceived in Japan as synonymous with forcible military intervention. This perception has led to the policy of strictly separate R2P from HS, which is a “flagship” concept of Japanese diplomacy, and to invest more on HS than R2P. However, in recent years, R2P-related projects have been focusing on “atrocity prevention,” rather than forcible intervention, gaining widespread attention in the Asia-Pacific region and elsewhere. Several parallels can be drawn between atrocity prevention efforts and HS. Furthermore, reference to R2P in UN Peacekeeping Operations (UNPKO) and other peace operations has been increasing; therefore, even if the Japanese have not explicitly mentioned R2P, Japan will continue to engage in R2P-related practices.

Based on this course and serious humanitarian crises across the globe, it is

imperative for Japan to reconsider the relationship between R2P and HS as well as its approach toward R2P in the present and future. Accordingly, taking R2P seriously, vitalising discussion and deepening our understanding of R2P, the first Japan National Dialogue sets out its primary objectives as follows:

1. To search for a common ground to revitalize and develop R2P research and discussion in the Japanese context;
2. To determine factors triggering stagnation in R2P research and discussion in Japan;
3. To review Japanese praxis from the R2P perspective and reconsider the relationship between Japan and R2P from the past to the present;
4. To discuss challenges and roles, as well as practical solutions for Japan to implement R2P in the present and future; and
5. To disseminate outcomes of the national dialogue and updated knowledge to the public, in order to promote understanding and nationwide discussion on R2P.

The opening remarks of the Dialogue were delivered by Professor Toshiya Hoshino of the School of International Public Policy of Osaka University and Former Ambassador and Deputy Permanent Representative to the UN in New York; Mr. Greg Ralph, Minister-Counsellor of the Australian Embassy in Tokyo; Dr Noel M. Morada, Director for Regional Diplomacy and Capacity Building at APR2P, School of Political Science and International Studies, The University of Queensland; and Professor Sukehiro Hasegawa, Distinguished Professor of the Kyoto University of the Arts, President of the Global Peacebuilding Association of Japan, and Former Special Representative of the UN Secretary-General for Timor-Leste.

In his opening remarks, Professor Hoshino highlighted the significance of the R2P concept in the contemporary world that remains state-centric and divided, leading to lots of people left behind. The world's response to atrocity crimes and humanitarian crises has been sluggish. Therefore, the R2P concept assumes greater relevance than ever. Furthermore, he pointed out that the Japanese are not necessarily lacking in understanding of R2P, rather problems reside in its implementation: firstly, abuse of the concepts of R2P and/or HS beyond their main objective to protect people; secondly, lack of action when R2P is absolutely needed; and thirdly, dysfunction of the UN Security Council. In this context, he emphasized that the importance of R2P reminds us of the "responsibility" of the international community to help people in need. He expressed hope that the first Japan National Dialogue will contribute toward building a world where we can collaborate to enhance the security of the people.

Mr. Ralph welcomed the initiative to hold the Dialogue to discuss R2P in the Japanese context and provide an opportunity to strengthen Australia's partnership with Japan. He cited the UN Secretary-General's advice that it costs far more to pick up the pieces after a crisis than it does to prevent it; therefore, Australia is active in assisting its neighbours in the Asia-Pacific region to build capacity in atrocity prevention policy, partnerships, and tools for implementing R2P. He exemplified the various efforts that the Australian

government has taken, in cooperation with the UN and the civil society, to address humanitarian crises regionally and globally. He also acknowledged Japan's contribution to R2P implementation both through its Pillar 2 support for capacity building and for working to locate atrocity prevention within human security. In this context, he expected that the Dialogue will assist policy makers and non-state actors to consider how Japan can engage with stakeholders in the region on atrocity prevention.

Dr Morada welcomed the participants and expressed gratitude to the co-organizers of the Dialogue. He elucidated the purpose of the National Dialogues held in Asia-Pacific countries: the Dialogues aim to develop a deeper understanding and commitment to atrocity prevention by bringing together stakeholders and building awareness and homegrown knowledge regarding R2P, and specifically the first Japan National Dialogue to link R2P to Japan's leadership role in promoting HS. He indicated that R2P and HS are not contradictory, as both aim to protect vulnerable populations. He also noted that the APR2P values the bottom-up approach by domestic advocates, because norms like R2P do not cascade automatically by the top-down approach, and that no society or country is immune from atrocities; therefore, continuing relevance of R2P in the region cannot be denied. In this context, he emphasized the significance of the Dialogue to exchange ideas and perspectives on R2P and atrocity prevention and the roles Japan could play for promoting both R2P and HS.

Professor Hasegawa subsequently stated that what is needed in humanitarian crises is "action" regardless of any theoretical differences that may exist between R2P and HS; therefore, any political review should take into account the need for theories and policies to be relevant to the realities on the ground. He then shared three ways to overcome the laws of short-sightedness. Firstly, be open-minded to determine what R2P really means from the perspective of people on the ground. He cautioned that we should not get trapped in short-sighted and narrow objectives, but rather consider long-term universal goals. Secondly, address contemporary global threats

to HS such as climate change and the pandemic as well and determine our responsibility to protect people both in developing and developed countries. Thirdly, understand the differences in the perspectives of Japan and other countries that have advocated the R2P doctrine. In order to deal with new global challenges, he emphasized the need to develop and implement new R2P measures by understanding other peoples' concerns and transcending one's own perspective.

Following the insightful opening remarks, the Dialogue proceeded productively with stimulating presentations and lively discussion (highlights of each session below). The closed sessions gathers over 30 professionals from the government, academia/think-tanks, and civil society, including the Japanese Ministry of Foreign Affairs, National Institute for Defense Studies, Japan International Cooperation Agency (JICA), JICA Ogata Sadako Research Institute for Peace and Development, Institute of Development Economics of the Japan External Trade Organization (IDE-JETRO), Japan Institute of International Affairs (JIIA), Japan International Cooperation System (JICS), Global Peacebuilding Association of Japan (GPAJ), and several Japanese universities. After the closed sessions, a public seminar was held in order to promote public understanding and nationwide discussion on R2P and Japan's role in responding to humanitarian crises and atrocity crimes.

The APR2P thanked the co-organizers, participants, the Australian Department of Foreign Affairs and Trade for this successful dialogue and public seminar. The APR2P, the SIIS, and the R2P Network of Japan look forward to continuing engagement with partners and stakeholders in Japan and hosting the Japan National Dialogue on R2P and Atrocity Prevention in the coming years. The role of Japan in R2P, HS, and related issues cannot be dismissed particularly in the Asia-Pacific region and beyond. It is imperative that the issues raised in the first National Dialogue are deliberated further in collaborative as well as participants' research and in cooperation with local, regional, and global partners within the framework of the Asia-Pacific Partnership for Atrocity Prevention.

Vitalizing R2P in the Japanese Context: Reconsideration of the ambivalent relation between R2P and HS

The highlights of this session are as follows:

- A possible avenue for Japan to contribute to atrocity prevention will be to bring HS back under Pillar II of the R2P concept. Although R2P and HS have been deliberately separated in the UN, they nevertheless have the same origin when the UNDP first advocated the idea of HS. On the course of conceptual developments and separation, R2P has been criticized for its state-centric and top-down nature, while a more bottom-up notion of HS becomes less frequently used as a policy idea in the UN. However, a human-centred and bottom-up approach based on HS would revitalize R2P implementation and HS, making the state-centric and top-down quality of R2P more balanced. Such restitution would bring three outcomes: 1) visualizing the potential gap between those who play a protective role and those who are protected; 2) re-emphasizing the centrality of preventive measures in R2P implementation and enhancing its effectiveness; 3) enabling Japan to take a leadership role in implementing R2P through international assistance, Pillar II of R2P.
- Whereas Pillar III of R2P has not been successfully implemented on the ground, its implementation as a state-centric concept (the protector) and HS as a people-centric concept (the protected) could be harmonised in atrocity prevention framework of Pillar II. Japan's participation in the International Monitoring Team (IMT) as part of the Mindanao Peace Process shows the synergetic effects of a collaborative operation between R2P and HS. For the IMT, Malaysia recognized ceasefire monitoring as an action of Pillar II of R2P, while Japan participated in it under the HS concept. Japan's involvement enhanced the effectiveness of the IMT operation by incorporating socio-economic components. Three implications are drawn from the case: 1) Japan needs a clear narrative in terms of HS's involvement in

Similarities & Differences

	R2P	HS
Scope	Genocide, war crimes, ethnic cleansing, crimes against humanity	Security, development, human rights
Actors	States, international/regional organizations, civil society groups	
Approaches	Prevention, protection	Prevention, protection, empowerment
Measures	Human rights/humanitarian laws, economic/military assistance, PKO, economic sanctions, int'l criminal tribunals, use of force	Respecting ownership, Empowering local communities, flexible response, cooperation based on comparative advantages, UN Trust Fund for HS
Use of force	Envisaged as a last resort	Not envisaged
Interference	Case by case	Not envisaged
Quality	Top-down, state-centric	Bottom-up, human-centered

Pillar II of R2P; 2) in fact, Japanese Development Cooperation Charter has expanded the scope of “development,” which creates space for Japan to contribute to Pillar II implementation; 3) Japan can promote the concept of HS's involvement in Pillar II.

- Japan had earlier appeared apprehensive that the HS concept would be negatively affected by the R2P concept as the latter can be politicized by some countries. This explains the initial reluctance of Japan to participate in the Global Network of R2P Focal Points or the Group of Friends of R2P. However, as Tokyo already joined the Global Network and the Group of Friends, the Japanese government seems to accept R2P and engage in international efforts to implement R2P, explicitly after the UN General Assembly resolution on HS was adopted in 2012. On international efforts, R2P has already been operationalised to a certain extent on the ground, such as reference to the responsibility of host countries of UN Peacekeeping Operations to protect civilians in UN Security Council resolutions. This shows that R2P has already become a standardized “language.” For operationalisation of R2P, accountability is as important as prevention. Japan contributes to enhancing accountability to prevent atrocity crimes as the biggest funder of the ICC and a supporter of the ACT (Accountability, Coherence, Transparency) Group's “Code of Conduct” initiative.
- In order to investigate and discuss the association between R2P and HS, both of which seem abstract, the UN Framework of Analysis on

Atrocity Crimes can prove to be useful. The Framework substantiates the risk factors and indicators of atrocity crimes and the areas where R2P and HS could complement each other. APR2P recommends that neighbouring countries could translate the Framework into local languages and use it as a tool for capacity building in each country. Furthermore, there are other possible reference points to link and concretise R2P and HS: SDGs, particularly Goal 16, and the ASEAN Declaration on Culture of Prevention. Meanwhile, further investigations and discussions are required on the possibility of broadening the concept of R2P as including more than four specific crimes, limitations of Japanese leadership for R2P implementation instead of HS, responsibility of the global community of citizens rather than states, and potential of interaction of R2P with other concepts such as HS and POC, while keeping them separate. Besides, ongoing crises like Myanmar and Afghanistan should be addressed in this kind of dialogue, as academia is the last recourse to address atrocity crimes.

Implementing R2P in the Japanese way: Reconsideration of Japanese praxis and its role between the past and future

The highlights of this session are as follows.

- Japan's involvement in conflict prevention efforts by local actors in Timor-Leste is an appropriate case to reconsider its role in R2P and HS implementation, illustrating the bottom-up approach. In

Timor-Leste, the Japanese government and NGOs supported developing dialogue mechanism of local actors' initiative; however, their involvement was basically financial and indirect in local actors' conflict prevention efforts. Observing the case, R2P and HS can be complementary. R2P emphasizes involvement in averting a particular situation, while HS provides guidance on how various actors can be involved. Japan has focused on "responsibility to rebuild" with non-military means but could also adopt combined practice of Pillar I and II to enhance each state's responsibility through capacity building. However, Japanese people's understanding of the difference between development and peacebuilding efforts remain ambiguous and they tend to support peacebuilding for moral reasons than security concerns. For Japanese engagement in R2P, civil actors' long-term commitment based on a deeper understanding of conflict prevention and peacebuilding is imperative.

- Japan employs HS as a diplomatic tool but is not necessarily active in its operationalisation and isolates it from human rights and international humanitarian law. This makes HS a possible entry point to cooperate with countries uncomfortable in human rights language. HS can also assist in identifying atrocity risks and preventing atrocity crimes; Japan could contribute to R2P through the perspective of HS. Meanwhile, R2P has strength in calling "responsibility" for urgent response by the international community, that is, Pillar III. The often-criticised top-down nature can be considered as another strength of R2P, because it enables states to cooperate and expeditiously respond to emergency situations. R2P and HS are complementary but have different focuses; therefore, it should be noted that combining them could weaken both concepts. Additionally, R2P and POC have similar orientation, but POC demonstrates more operational language in peace operations and becomes more robust in its measures; therefore, POC may not be suitable for Japanese

diplomacy, compared to HS. These concepts could be used complementarily to understand different phenomena but should be cautiously distinguished.

- Japan Self-Defense Forces (SDF) have engaged in "Engineering Peace" activities such as road repair, land reclamation, and facilities construction, which are conducted mainly by the Ground SDF engineering units and designed to support the operations of UNPKO and multilateral forces. The activities commenced in United Nations Transitional Authority in Cambodia in 1992 and developed as Japan's unique contribution through its participations in peace operations in Timor-Leste, Haiti, and South Sudan. The activities are not directly related to POC but supports R2P Pillar II. Additionally, Japan cooperates with Asian and African partners through capacity-building assistance such as sharing lessons and training local agencies and militaries. From the SDF's experience, some implications are drawn for R2P: 1) "defence of the mandate" and POC would be new frontiers of SDF operations beyond past activities; 2) timely dispatches of SDF is required and already prepared by making a permanent instead of an ad hoc law and by providing education and training required for R2P implementation; 3) sustainable and longer deployment based on "All Japan" comprehensive and seamless approach and network of capacity-building projects. It remains to be seen how engineering peace activities have an impact on R2P.
- The community policing system, "Koban" in Japanese, introduced in Timor-Leste is an exemplar of the bottom-up approach to implement R2P. A question should be raised how much the system is top-down and controlled by the central government. Effectively, a balance is maintained in the Community Policing Council consisting of one government officer and many community members and more oriented to minimize the risk of social conflicts among community members. One of the strengths of R2P is to deal with situations like

Myanmar: calling "responsibility," not moral empathy, of the international community to take rapid reaction. POC operations based on HS concerns would be a practical pathway to fulfil R2P objectives to protect people in countries concerned about bringing up R2P and/or not yet experiencing atrocities. In addition, a POC-HS nexus would be beneficial in that POC could make HS activities more accountable and measurable. For Japan's contribution, a bottom-up effort in the Asia-Pacific region should be noticed: the Asia-Pacific Partnership for Atrocity Prevention, which is a network of arena enabling governments, regional organisations, and civil society to jointly promote R2P and atrocity prevention.

R2P and Japan's Role in Responding to Humanitarian Crises and Atrocity Crimes

Following intensive discussions in closed sessions, a public seminar was held online with around 100 participants. Following remarks by Professor Hoshino and Dr Morada, detailed presentations were made by Professor Daisaku Higashi of the Center for Global Education and Discovery, Sofia University, and Professor Misako Takizawa of the College of Arts and Science, J. F. Oberlin University.

- Professor Higashi questioned whether the scope of the R2P concept could be broadened from those defined in the 2005 World Summit. He emphasized that this is not an attempt to change the definition made in 2005 but to broaden its scope to reinvigorate the original spirit of R2P, that is, to protect people from fatal threats. The original scope of R2P in the International Commission on Intervention and State Sovereignty (ICISS) report in 2001 included internal conflicts and other man-made crises as the target of R2P. However, the definition of R2P was strictly limited to four atrocity crimes in 2005, with some criticizing the definition as too narrow. Besides, in his edited book, Professor Higashi proposed a redefinition of "Human Security" as "concept guiding policies of the international community to protect people when a state cannot protect them

from various global threats.” The redefinition overlaps with the spirit of R2P to a large degree. Subsequently, we could revitalise the R2P concept by discussing how to tackle each concrete case based on the redefinition. Professor Higashi highlighted COVID-19 and Afghanistan as exemplary cases to deliberate this possibility and suggested that Japan could be a “global facilitator” to promote global discussion on R2P and HS.

- Professor Takizawa provided a detailed explanation of how “responsibility to prevent” and protection of human rights are related in UN field operations, from the perspective of international law. First, R2P is legally based on existing treaties of human rights. However, the treaties were drafted basically assuming that they be applied in peacetime; therefore, realisation of the treaties in the UN field operations has been a significant challenge. UN organs started to integrate the promotion and protection of human rights into their mandates and field missions by increasing regional offices of UNHCHR, deploying human rights advisers, and assigning human rights mandates to PKO missions since 1990s. Consequently, localisation and mainstreaming of human rights protection have advanced, and the UNHCHR has been characterized as the world’s “emergency human rights first-responder.” Reviewing these developments, human rights protection resonates with responsibility to prevent in field operations, especially the responsibility of host countries and international assistance; then, Japan could contribute to R2P through state-building assistance such as strengthening of domestic organs for human rights and domestic legislation including criminal law and procedure against atrocity crimes.
- Professor Yasuhiro Ueki, Vice Director of the SIIR and Professor of the Graduate School of Global Studies, Sophia University, added his comments in order to stimulate and deepen public discussion. He pointed out that the concept of HS shares with SDGs a basic

perspective of protecting vulnerable peoples and communities and promoting civilian engagement. Therefore, they are quite acceptable to Japan. Regarding “responsibility to prevent” and human rights, the UN has developed various organizations and mechanisms for preventing and responding to grave human rights violations. Especially, developments of the international judicial system, e.g., International Court of Justice (ICC), indicates a prospect for fulfilling responsibility to prevent human rights violation and atrocity crimes. In Addition, at the International Court of Justice, a suspected genocide of Rohingya in Myanmar is on trial. However, UN member-governments often regard human rights appeals of the international community as interference or intervention in their domestic affairs. In recent years, some countries such as Russia and China have hardened their stance against international engagement to promote and protect human rights, making the functioning of UN human rights mechanisms challenging.

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