



IMPLEMENTING THE RESPONSIBILITY TO PROTECT IN THE ASIA PACIFIC

An Assessment of Progress and Challenges



Asia-Pacific Centre for the
Responsibility to Protect

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EXECUTIVE SUMMARY

Stemming from the horrors of the Rwandan genocide in 1994 and the genocide in Srebrenica the following year, the Responsibility to Protect (R2P) was conceived to better protect vulnerable populations from mass atrocities. R2P became an internationally agreed upon principle adopted unanimously by Heads of State and Government at the 2005 United Nations World Summit, and subsequently reaffirmed by the United Nations (UN) General Assembly and UN Security Council in subsequent years. R2P recognises that states have a responsibility to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity, collectively known as mass atrocities or atrocity crimes.

For the principle to be effective, R2P calls on the international community to assist and encourage individual States to fulfil their primary responsibility to protect, calling specifically for the prevention of atrocity crimes and of their incitement. When States are “manifestly failing” to uphold their responsibility (by either being unwilling or unable), the international community has the responsibility to respond in a “timely and decisive” fashion through diplomatic, humanitarian and other peaceful means. Should such a response be ineffectual or deemed inadequate, the international community should respond with all the tools available to the UN Security Council, up to and including intervention.

Since 2009, the UN Secretary-General has issued an annual report on the implementation of R2P, and work continues to determine exactly what effective and practical R2P implementation looks like, whether there are any gaps in protection, and whether progress is being made.

The initial report APR2P released in 2019 sought to aid this endeavour by analysing implementation of R2P in the Asia Pacific region. The following report provides an update on that analysis and seeks to determine whether implementation of R2P within the Asia Pacific has become more effective or has declined within the past two years. It aims to give stakeholders in atrocity prevention, whether they be in government, academia or civil society, an overview of R2P implementation and update the conclusions and recommendations made in the previous 2019 report. With conflict, violence and political repression all present in the Asia Pacific, it is hoped this research can inform future practice of atrocity prevention as the region confronts pertinent challenges to the protection of its vulnerable populations.

As this report is an update, it will draw on information and data that was previously published in the ‘baseline’ report in 2019. For a history of atrocity prevention and R2P as it relates to the Asia Pacific and an explanation of the full methodology used in both studies, please refer to that report.

The update finds that within the past two years, effective implementation of R2P within the Asia Pacific region has decreased, with most countries regressing overall in comparison to their 2019 scores. This fall can be attributed to a variety of factors including ongoing atrocity crimes, increased political autocracy and the COVID-19 pandemic, which has increased the vulnerability of already vulnerable populations and exacerbated existing risk factors of atrocity crimes within States. Protecting refugees fleeing atrocity crimes and dealing with past atrocities also remain problems, as does the region’s general aversion to strengthening regional ties. The overall index score for the region fell by approximately three points, from 45.5 to 42, reflecting the overall erosion of protection from human rights violations and atrocity crime risks. Subregional variations in the average remain, with the Pacific falling from 57.6 to 56; ASEAN countries falling from 36 to 33, and those in Northeast Asia falling from 48 to 43.

Based on these results, this update report offers the following recommendations:

1. Take further action to better harness the region’s strong engagement with UN processes on human rights and national legislation, and to replicate the UN’s models of dialogue and engagement. These include matters around human rights, Special Procedure visits, and peacekeeping operations.
2. Strengthen capacity and willingness of States to deal with atrocity crime risks at the regional level, ensuring countries recognise that Pillars I and II of R2P begin at the level of the State.
3. Governments, civil society organisations and academia should focus on initiating informal dialogues and discussions with as many stakeholders as possible in the region, particularly in the Pacific, to broaden understanding and engagement with R2P and identify policy areas for future research and development.

INTRODUCTION

Stemming from the horrors of the Rwandan genocide in 1994 and the genocide in Srebrenica the following year, the Responsibility to Protect (R2P) was conceived to better protect vulnerable populations from mass atrocities. R2P became an internationally agreed upon principle adopted unanimously by Heads of State and Government at the 2005 United Nations World Summit, and subsequently reaffirmed by the United Nations (UN) General Assembly and UN Security Council in subsequent years. R2P recognises that states have a responsibility to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity, collectively known as mass atrocities or atrocity crimes.

For the principle to be effective, R2P calls on the international community to assist and encourage individual States to fulfil their primary responsibility to protect, calling specifically for the prevention of atrocity crimes and of their incitement. When States are “manifestly failing” to uphold their responsibility (by either being unwilling or unable), the international community has the responsibility to respond in a “timely and decisive” fashion through diplomatic, humanitarian and other peaceful means. Should such a response be ineffectual or deemed inadequate, the international community should respond with all the tools available to the UN Security Council, up to and including intervention.

In the 2009 UN Secretary-General’s report, entitled ‘Implementing the responsibility to protect’, the R2P principle was separated into three ‘pillars’ to assist in the operationalisation of the principle. These pillars are:

- I: Each individual State bears the primary responsibility for protecting its own populations from genocide, war crimes, ethnic cleansing and crimes against humanity.
- II: The international community has a responsibility to encourage and assist States in fulfilling this primary responsibility.
- III: The international community has a responsibility to use appropriate diplomatic, humanitarian and other peaceful means to protect populations from these crimes. Should peaceful means be inadequate and national authorities of States manifestly fail to protect their populations from these crimes, the international community must be prepared to take timely and decisive action to protect those populations at risk, in accordance with the UN Charter.

Based on the recommendations in the UN Secretary-General’s annual reports, R2P’s three pillars encompass a range of policy mechanisms for States to enact to fulfil their responsibility to protect. In the domestic

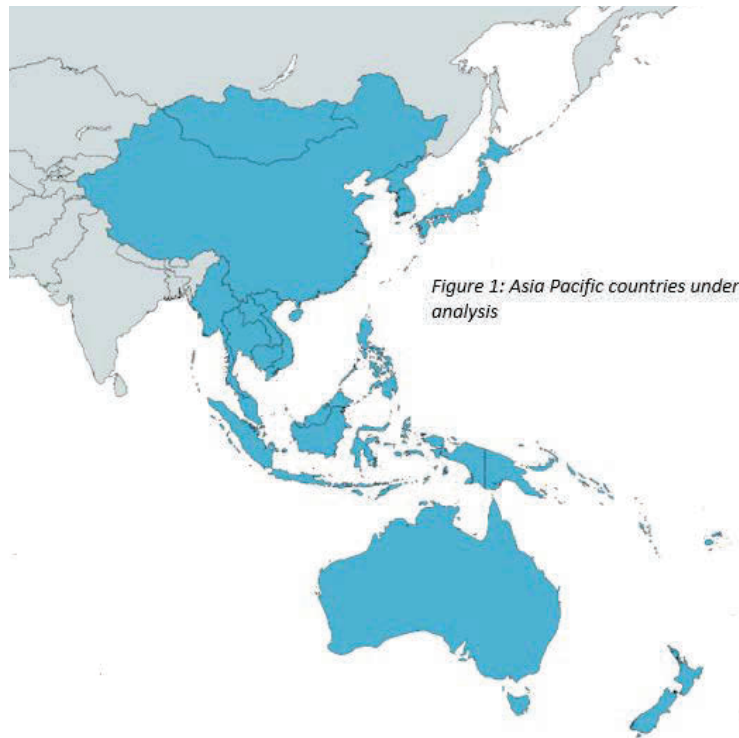
context, responsibility is exercised through security, human rights, and judicial institutions, through policies designed to eliminate discrimination and reduce inequality, as well as through vibrant civil societies and a free press. International elements of responsibility include using political mediation, economic incentives, sanctions, humanitarian aid, diplomatic measures, and legal instruments to encourage and assist states to fulfil their responsibility. Military intervention is reserved only for the most extreme situations and can only be exercised in accordance with the UN Charter. Since 2009, the UN Secretary-General has issued an annual report on the implementation of R2P, and work continues to determine exactly what effective and practical R2P implementation looks like, whether there are any gaps in protection, and whether progress is being made.

The initial report APR2P released in 2019 sought to aid this endeavour by analysing implementation of R2P in the Asia Pacific region (See Figure 1). The Asia Pacific region includes the countries situated along the western shoreline of the Pacific Ocean, as well as countries situated in its western part (it does not, therefore, encompass all of the countries located in Asia, nor does it include all countries which border, or are located within, the Pacific Ocean [the Pacific Rim countries]). For the purposes of this study, as it did for the original, the Asia Pacific region includes countries typically considered to be part of Southeast Asia (Vietnam, Laos, Cambodia, Myanmar, Thailand, Brunei Darussalam, Singapore, the Philippines, Indonesia and Timor-Leste), and select States situated in East Asia (China, Japan, Mongolia and North and South Korea).

The Pacific or Oceanic region encompasses many States, but for this study, we have limited the focus to the those with the largest populations: Australia, New Zealand, Papua New Guinea, Fiji, and the Solomon Islands. Vanuatu was also included as a new entry in 2022. While they appear in the country rankings, they do not factor into Indicator totals or the comparison between other countries or Indicators. As they were not present in the original 2019 study, their inclusion would skew the data.

Analysing the impact of atrocity crimes and their prevention in the Asia Pacific is pertinent, as they have left no part of the region untouched in a history spanning back through the 20th century and into the colonial era. At the start of the 21st century however, the incidence of atrocity crimes fell, along with the region’s increased political and economic heft on the global stage. Yet, in the past several years and especially since 2019, rates of ongoing violence and human rights abuses, and the corresponding risks of atrocities occurring, has increased. This can be attributed to several reasons, including a rise

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in global political autocracy (a phenomenon in which the Asia Pacific is not immune), increasing economic and technological development, and the onset of the global COVID-19 pandemic.

The pandemic has had a profound impact on States within the Asia Pacific and has the potential to influence the risks of atrocity crimes regarding vulnerable populations. The pandemic is ongoing and as such the full health, social, economic and political effects will likely not become evident or fully understood for some years. The scale and effects of the pandemic are beyond the scope of this update report. Yet it is important to note that COVID-19 could act (and has acted) as an aggravator for already existing risk factors of atrocity crimes, which is supported by other research conducted by the Centre.

These developments coincide with barriers already identified in the previous report that hinder greater implementation of R2P within the region. These are:

1. Limited political will, engagement and resources to protect vulnerable communities.
2. Limited institutional capacity to prevent and respond effectively to atrocity crimes.
3. Lack of knowledge and understanding of R2P, atrocity risks, mitigation and response strategies.
4. Limited commitment to some of the social norms that support the implementation of R2P, especially human rights and gender equality.

5. Limited civil society awareness, engagement and capacity to impact policy in the field of atrocity prevention and a lack of stable collaboration mechanisms in different tracks (through official channels, civil society, academia, and the United Nations).

6. Entrenched practices of authoritarian government, discrimination, and deep-seated prejudice in some communities.

The following report provides an update on these barriers and seeks to determine whether implementation of R2P within the Asia Pacific has become more effective or has declined within the past two years. It aims to give stakeholders in atrocity prevention, whether they be in government, academia or civil society, an overview of R2P implementation and update the conclusions and recommendations made in the previous 2019 report. With conflict, violence and political repression all present in the Asia Pacific, it is hoped this research can inform future practice of atrocity prevention as the region confronts pertinent challenges to the protection of its vulnerable populations.

As this report is an update, it will draw on information and data that was previously published in the 'baseline' report in 2019. For a history of atrocity prevention and R2P as it relates to the Asia Pacific and an explanation of the full methodology used in both studies, please refer to that report.

The updated assessment uses a series of 36 Indicators to measure a State's effectiveness at implementing and upholding R2P. These Indicators were drawn from the UN Secretary-General's recommendations on how best to implement R2P as well as the commitments agreed upon by States in the World Summit Outcome document of 2005. This information constitutes guidance for States to integrate R2P into their domestic, foreign and defence policies, and are grouped into the following thematic areas:

- Basic compliance with R2P (3 Indicators).
- The adoption of relevant R2P policy mechanisms (3 Indicators).
- The adoption and implementation of relevant human rights obligations (11 Indicators).
- The adoption of key domestic policy mechanisms (5 Indicators).
- The use of bilateral and multilateral diplomacy to further R2P implementation (7 Indicators).
- Support for R2P implementation through the United Nations, prevention efforts, peacekeeping, and assistance (7 Indicators).

It should be noted these thematic areas are not discrete categories and there is some overlap between the areas and Indicators. But, taken together, the results of these Indicators provide a comprehensive picture of efforts by an individual State to implement R2P within the last two years.

INDICATORS OF R2P IMPLEMENTATION BY STATES

Specific indicators/recommendations and key sector areas		
Thematic areas		Indicator
Basic Compliance	1	Protection of populations from atrocity crimes
	2	Reduction of atrocity crime risk
	3	Dealing with past atrocity crimes
Policy mechanisms	4	Appoint national R2P focal point
	5	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships
	6	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect
International Human Rights Obligations	7	Sign, ratify and implement relevant instruments of international law
	8	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court
	9	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	10	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination
	11	Participate in international peer review processes, including the Universal Periodic Review of the UN Human Rights Council
	12	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	13	Ensure equal access to justice
	14	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity
	15	Take measures to counter and prevent violent extremism
	16	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence
	17	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law
Domestic implementation	18	Conduct a national assessment of risk and resilience
	19	Cultivate and protect an active, diverse and robust civil society
	20	Ensure legitimate, effective and civilian controlled security sector
	21	Ensure that the education system reflects the ethnic, national and cultural diversity of society, and sets an example of inclusiveness
	22	Prevent nationals committing atrocity crimes overseas
Bilateral & Multilateral Relations	23	Participate in international, regional and national discussions on the further advancement of R2P
	24	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect
	25	Encourage and assist States to fulfil their R2P in situations of emerging or ongoing crisis, such as good offices and preventive diplomacy
	26	Strengthen regional and international networks for atrocity crime prevention.
	27	Strengthen the role and capacity of regional organisations
	28	Support the development and work of regional human rights and other preventive capacities
	29	Support atrocity prevention through development and assistance partnerships
United Nations, prevention, Peacekeeping, and assistance	30	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
	31	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
	32	Support preventive actions on atrocity crimes
	33	Contribute to United Nations peace operations (especially those with a protection of civilians mandate)
	34	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping
	35	Support the Kigali Principles
	36	Support UN Security Council veto restraint on issues relating to atrocity prevention

To evaluate each State's performance in each Indicator, a five-point scale was used:

Indicator Five point Scale		
Ranking	Criteria	Numerical Value
Very Strong	Contributions/compliance is fully comprehensive and consistent	5
Strong	Contributions/compliance is relatively comprehensive and consistent	4
Fair	Contributions/compliance generally meet basic expectations	3
Weak	Contributions/compliance fall below basic expectations	2
Very Weak	Contributions/compliance fall significantly below basic expectations	1

Each of the rankings were also given a number from 1 to 5, relating to the strength of the specific Indicator. From these scores, an index score was calculated to determine a State's overall performance for adopting and implementing R2P. A score of 100 would suggest that a country is doing everything that might be expected of it to implement R2P. At the other end of the spectrum, a score of 0 suggests it is doing nothing to implement its R2P. Between these poles, an overall score of 0-19 was judged 'Very Weak', 20-39 'Weak', 40-59 'Fair', 60-79 'Strong' and 80-100 'Very Strong'.

A further note was made if the Indicator had 'Increased', 'Decreased' or was 'Unchanged' since 2019, allowing comparisons to be made between the two datasets. The Indicator rankings of individual States, and notes describing each ranking, will be published separately in technical annexes related to each country.

A Note on Data

Like the first report in 2019, this update draws from an extensive range of primary and secondary sources to determine a State's performance in implementing R2P. Direct primary evidence includes ratified international statutes, voting behaviour at the United Nations Security Council and/or the General Assembly, constitutional edicts and domestic legal provisions (such as Criminal Codes). Secondary evidence comprises governmental and non-governmental reports, media articles, and academic sources, amongst others.

Furthermore, all sources analysed, both primary and secondary, are open sources, and as such the Indicator rankings were based on publicly-available information. Due to this method, gathering information on certain States and Indicators was made challenging by a dearth of information available. It is possible that rankings of countries could improve or decline based on information inaccessible to this study. Stakeholders should keep this limitation in mind when reviewing the information in this report and the associated technical annexes of each country.

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Interpretation of Results

The below table shows the updated scores for each of the 21 countries under review as of 2022, rated from strongest to weakest.

National Performance in R2P Implementation 2022		
Ranking	Index Score	Country
Strong	74	Australia/ New Zealand
	73	Republic of Korea (South Korea)
	70	Japan
	60	Fiji
Fair	59	Timor-Leste
	54	Mongolia/Vanuatu
	51	Malaysia
	50	Indonesia
	46	Singapore
Weak	39	The Philippines/Solomon Islands/ Thailand
	35	Cambodia
	33	Papua New Guinea
	25	Vietnam
	22	China
	21	Brunei Darussalam
Very Weak	16	Lao People's Democratic Republic (Laos)
	6	Myanmar (Burma)
	1	Democratic People's Republic of Korea (North Korea)

By Country

As in 2019, the Korean peninsula offers the best and worst examples of R2P in action. South Korea is one of the strongest States in implementing R2P, whilst across the border of the demilitarized zone, Kim Jong-un's regime in North Korea continues to commit widespread atrocities as it isolates itself from the international community.

The five 'Strong' States: Australia, New Zealand, South Korea, Japan, and Fiji – and Timor-Leste, which trails behind them by a single point – have done much to further R2P in the region in the last few years. All of them – bar Fiji – have appointed a national R2P Focal Point. While Fiji has yet to do so, it has made strong commitments during its tenure on the UN Human Rights Council and

has continued to maintain a highly professional contribution to UN peacekeeping missions, as has Mongolia.

At the other end of the scale, the region's worst performers in 2019 remain the worst performers in 2022. Two of the three 'Very Weak' countries: Myanmar and North Korea, are the site of ongoing atrocity crimes. North Korea's political and social system and widespread network of detention centres continue to constitute systematic crimes against humanity. Myanmar's armed forces, after committing a wave of genocide and war crimes against the Rohingya minority beginning in 2017, took over the country in a coup d'état in February 2021. The subsequent conflict against their own citizens and armed insurgent groups throughout the country has dramatically increased the chances of atrocity crimes occurring. Laos remains in the 'Very Weak' category, yet their weak position has not become significantly worse in the last two years. It remains an isolationist State, with a poor record of human rights and discrimination against minorities, particularly those of the Hmong ethnicity.

The newest inclusion to the study, Vanuatu, performed reasonably well with a score of 54, the same as Mongolia. While it lacks capacity for proper governance in some areas and suffers incredibly high levels of domestic violence, its independent judiciary and open civic space, along with its broad commitments to human rights both domestically and regionally means it is a solid proponent of R2P in the Pacific with optimistic prospects for future improvement.

The average score for the whole region was 42, just within the 'Fair' category. The last two years saw atrocity crimes committed in Myanmar, China, the Philippines and North Korea. In conjunction with the effects of the pandemic, the Asia Pacific can be construed as a politically volatile region with significant risks of atrocities. Yet, States with strong institutions and commitments to human rights such as Australia, New Zealand, South Korea and Japan, and other countries developing these capabilities, such as Timor-Leste and Mongolia, show the Asia Pacific has and is engaging with R2P. Overall, the state of R2P within the Asia Pacific has made some progress, yet much work needs to be done, by States, civil society, and the international community, to effectively protect the region from atrocity crimes.

As in 2019, there are subregional differences in R2P implementation. Pacific countries: Australia, New Zealand, Fiji, Papua New Guinea, Vanuatu, and the Solomon Islands, achieved an average Index score of 56, higher than the regional average thanks in no small part to Australia and New Zealand but also by the efforts of Fiji and Vanuatu, despite their relative lack of capacity. Even

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without the inclusion of Vanuatu, the Pacific average remains at 56, suggesting the region offers fertile ground for policymakers and stakeholders to further promote R2P and other efforts encouraging atrocity prevention and human rights protection.

ASEAN countries scored an average of 33, well below both the Pacific average and the regional average. Myanmar's ongoing atrocities places it last in the group, and further democratic backsliding and weak international engagement has seen the Philippines, Thailand and Cambodia sink into the 'Weak' category, while other ASEAN members are placed around the median score. Laos and Brunei remain, for the most part, disengaged from R2P, as does Vietnam. While Brunei can still be considered an outlier due to its small size and unique national characteristics, both Laos and Vietnam lack strong protection against discrimination and violations of human rights. Others such as Singapore, Malaysia and Indonesia sit around the median range, where lacklustre domestic implementation and lack of diplomatic impetus reduces their score.

ASEAN's performance should also be viewed in respect of their efforts to stop the atrocities following the coup in Myanmar. While Malaysia, Indonesia and Brunei have attempted to affect diplomacy and provide support to Myanmar's citizens and its Rohingya minority, many members' preference for non-interference and deference to state sovereignty has ensured action beyond rhetoric has been largely lacking. Cambodia's unilateral engagement with the military junta in Myanmar, after they had been expelled from previous meetings, suggests ASEAN finding solidarity over Myanmar's current crisis, to ensure regional peace and to prevent atrocities, may be its greatest test. As it stands, ASEAN's endeavours in this area need further strengthening if they are to prove effective in the future.

Northeast Asia accounts for an average of 43, slightly higher than the regional average. Yet, as in 2019, this result comes with a caveat. As while strong institutions and international engagement in both South Korea and Japan mean these countries score well, North Korea and China score low due to widespread political oppression and atrocity crimes against their own populations. Mongolia is near the median range, maintaining a unique democratic space between the repressive regimes of China and Russia. Like the Pacific countries, it lacks capacity in some critical areas of atrocity prevention, yet its commitment to peacekeeping and continued strengthening of civil space, still nascent after decades of Soviet rule, make it score relatively high in the region.

By Indicator

The below table contains the top and bottom three Indicators and their relevant Index scores for 2022.

Top 3 Indicators	Index Score
Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council	76
Protection of populations from atrocity crimes	74
Reduction of atrocity crime risks	68
Bottom 3 Indicators	Index Score
Conduct a national assessment of risk and resilience	1
Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect	4
Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships	15

The top Indicators show the Asia Pacific region supports R2P where it matters most: in the protection of populations from atrocity crimes. Many States have also reduced the risks of atrocity crimes occurring within their borders. These excellent results reflect the region's high engagement with UN review processes as part of the UPR, which was the top result across the update. While individual States may not always enact upon the recommendations received during the UPR, their delegations often do engage strongly with the process and recognise its importance in multilateral efforts to promote human rights and in the structural prevention of atrocity crimes. Other Indicators with high scores include supporting UN Security Council veto restraint in cases of atrocity crimes (61) and cooperation with UN Human Rights mandate holders (60). This suggests the Asia Pacific tends to work with international bodies over regional ones, valuing the consensus international fora foster as opposed to unilateral or regional initiatives.

This general acquiescence towards international engagement is in stark contrast to specific measures of prevention advocated for by the UN Secretary-General. Very few States have conducted assessments, established mechanisms, or incorporated risk dynamics related to atrocity crimes into their domestic architecture. Yet it should be noted Asia Pacific States are not alone in this, and very few countries in the world have taken concrete

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steps to initiate these steps into their respective national structures. Other low scoring Indicators include assisting States to fulfil their R2P in crisis situations (27) and strengthening the capacity of regional networks and organisations in human rights and atrocity prevention (a set of three Indicators that each scored 29). These scores confirm the region's preference for dealing with international processes rather than regional initiatives. The region also remains a poor performer when protecting individuals fleeing atrocity crimes in accordance with international refugee law (24).

From these results, conclusions drawn in 2019 largely hold true in 2022. Regarding R2P, Asia Pacific governments tend to be more comfortable working through the UN than they are through their own regional bodies. Although several States have voiced support for regional human rights and other preventive capacities in principle, few if any have actively sought to build and extend those capacities. This has played out in ASEAN's less than constructive role in reacting to the violence and atrocities in Myanmar and the Philippines, where prevention initiatives have been actioned outside of the organisation. While rhetoric around a regional community may be strong, actual engagement with these organs is limited. Furthermore, the rhetoric around human rights and protection of vulnerable populations is far greater than practices of prevention. In the past few years, the region has typically failed to prevent crises from escalating into atrocities and it has relied on external actors, particularly the UN, to marshal effective responses. When it comes to taking their own measures to protect populations from atrocity crimes, the region's governments have performed poorly. They are deeply reluctant, for example, to even utilise peaceful means to support protection, for example by encouraging and assisting states in crisis through the utilisation of preventive diplomacy and other mechanisms, as can be seen in Myanmar. This reliance on international and multilateral initiatives over State-based ones in the Asia Pacific moves the onus of protection away from the State towards external actors. This preference is against the primary facet of Pillars I and II of R2P: that primary protection against atrocity

crimes lies first and foremost with the State, and the international community has a responsibility to help those in carrying out that responsibility.

The Asia Pacific is also a poor performer regarding the treatment of refugees. Responsibility for this weak performance is shared across the region. Only a handful of states have signed and ratified the International Refugee Convention and its additional Protocol. This leaves the great majority of the region's displaced people without the protections afforded to refugees and vulnerable to exploitation, abuse, human rights violations, and arbitrary measures.

It also should be noted, despite an Index score of 54, many States within the Asia Pacific are poor at dealing with past atrocities. The score accounts for those countries that have an absence of past atrocities, as well as those who are effective or poor at dealing them. Thus, legal accountability for past atrocities remains very rare throughout the region. In most cases, impunity is the norm. For example, only a handful of Khmer Rouge perpetrators ever faced justice for their actions. Meanwhile, historic atrocity crimes in China, Indonesia, Myanmar and elsewhere have gone entirely unpunished. The region has also tended to shy away from truth and reconciliation processes that address past atrocities. This creates a culture of impunity that helps sustain atrocity crimes. As a result, the underlying grievances and injustices that can give rise to violent conflict and atrocity crimes remain unaddressed.

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Comparison of Results

By Country

As this update draws upon previous conclusions in 2019, the following table will examine the results of both years to determine whether implementation of R2P in the Asia Pacific has improved or declined. It should be

noted the 2019 Index scores rounded up to the first decimal place, whereas the 2022 scores use whole numbers. Those countries with an asterisk have had their 2019 scores rounded up to fit with the updated scores.

Country	2019 Index Score	Ranking	Country	2022 Index score	Ranking
Australia	81	Very Strong	Australia	74	Strong
Japan	78	Strong	New Zealand	74	Strong
New Zealand	76	Strong	Repulic of Korea (South Korea)	73	Strong
Repulic of Korea (South Korea)	74	Strong	Japan	70	Strong
Timor-Leste	64	Strong	Fiji	60	Strong
Mongolia	58	Fair	Timor-Leste	59	Fair
Fiji	57	Fair	Mongolia	54	Fair
Indonesia*	57	Fair	Malaysia	51	Fair
Malaysia	55	Fair	Indonesia	50	Fair
Singapore	50	Fair	Singapore	46	Fair
The Philippines	45	Fair	Solomon Islands	39	Weak
Thailand	43	Fair	The Philippines	39	Weak
Cambodia	41	Fair	Thailand	39	Weak
Solomon Islands	39	Weak	Cambodia	35	Weak
Papua New Guinea	35	Weak	Papua New Guinea	33	Weak
China*	29	Weak	Vietnam	25	Weak
Vietnam *	29	Weak	China	22	Weak
Brunei Darussalam	23	Weak	Brunei Darussalam	21	Weak
Lao People's Democratic Republic (Laos)*	16	Very Weak	Lao People's Democratic Republic (Laos)	16	Very Weak
Myanmar (Burma)	7	Very Weak	Burma	6	Very Weak
Democratic People's Republic of Korea (North Korea)	2	Very Weak	Democratic People's Republic of Korea (North Korea)	1	Very Weak

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The following table displays the differences in Index scores between 2019 and 2022

Country	Difference	2019 Index Score	2022 Index Score
Fiji	+3	57	60
Solomon Islands	-/+ 0	39	39
Lao People's Democratic Republic (Laos)*	-/+ 0	16	16
Democratic People's Republic of Korea (North Korea)	-1	2	1
Myanmar (Burma)*	-1	7	6
Republic of Korea (South Korea)	-1	74	73
Brunei Darussalam	-2	23	21
New Zealand	-2	76	74
Papua New Guinea	-2	35	33
Malaysia	-4	55	51
Mongolia	-4	58	54
Thailand	-4	43	39
Singapore	-4	50	46
Vietnam*	-4	29	25
Timor-Leste	-5	64	59
Cambodia	-6	41	35
The Philippines	-6	45	39
China *	-7	29	22
Indonesia*	-7	57	50
Australia	-7	81	74
Japan	-8	78	70

From the above tables, it can be seen there has been near universal decline in general implementation of R2P in the Asia Pacific. This is due to several reasons as mentioned in the Introduction, but the pandemic and rising autocracy, and the subsequent erosion of human rights protections, are the main drivers of the decline. Most States have fallen by a few points, some including Japan, Australia, Indonesia, China, Cambodia and the Philippines, have dropped several points, reflecting their broad recalcitrance in engaging with R2P in the past two years and general decline in human rights protections. Regarding Australia, while it maintains strong institutions and protection of human rights, recent erosions in civic space, the potential commission of war crimes by its military, and lacklustre regional engagement have seen its score decrease. However, it remains largely committed to R2P and a strong regional implementer of the R2P principle. In the case of the Philippines and China, this score reflects the erosion of human rights and the continuing atrocity crimes being committed within their borders.

It is interesting to note the country with the largest change in scores is Japan. However, while Japan has seen the biggest decline in scores, it is perhaps best viewed as an exception in the dataset. While domestically Japan has issues with discrimination and adequate human rights architecture, which has lowered its score, its engagement with UN fora and its first national dialogue on R2P suggest Japan's stance on R2P and atrocity prevention may not be as poor as the numbers suggest and is likely to improve in the future. Furthermore, and in a similar way to Australia, it remains firmly in the 'Strong' category due to its robust institutions and flourishing civic space.

The worst States for R2P implementation in 2019: Laos, Myanmar and North Korea, are still the worst performers in 2022. This is not surprising, as both North Korea and Myanmar have severe and ongoing atrocity crimes being committed within their borders. It should also be noted, while Myanmar declined slightly, some of its Indicators did increase in ranking to reflect the efforts at

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the UN of the National Unity Government, the government in opposition to the military junta in Myanmar, and their repeated calls for the implementation of R2P in their country. Laos, again, remains a poor performer due to its isolation from the international system and historical ambivalence towards R2P, along with a poor record of dealing with past atrocities.

This overall decline is reflected in the regional average, which was 42, as opposed to the 2019 average of 45.5. While it could still be considered 'Fair', such a decline bodes ill for atrocity prevention and human rights protection within the Asia Pacific. Not surprisingly, subregional averages were less than their 2019 totals, with the Pacific scoring 56 compared to 57.6; ASEAN scoring 33 compared to 36; and Northeast Asia scoring 43 compared to 48. While the numbers paint a bleak picture of R2P within the Asia Pacific, there are also encouraging signs of States engaging with the principle and undertaking actions that

support it. Fiji increased its score by three, to reflect its growing domestic capacity and their recognition of international human rights. The Solomon Islands also improved in these Indicators, although the recent unrest due to its security partnership with China saw potential atrocity risks increase, and thus lowered its overall score and resulted in no change from its 2019 total. That these nations are part of the Pacific gives impetus for policy-makers and stakeholders to better engage with the wider Pacific region over atrocity prevention and related issues (most notably climate change) and provide greater room for their voices to be heard.

By Indicator

The tables below compare the top and bottom three Indicators mentioned above with their previous 2019 Index scores.

Top 3 Indicators 2019	2019 Index Score	2022 Index Score	Index Score Difference
Protection of populations from atrocity crimes	75	74	-1
Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council	74	76	+2
Reduction of atrocity crime risks	70	68	-2
Bottom 3 Indicators 2019	2019 Index Score	2022 Index Score	Index Score Difference
Conduct a national assessment of risk and resilience	1	1	-/+ 0
Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect	4	4	-/+ 0
Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships	15	15	-/+ 0

The above tables reinforce the trends perceived in 2019 and recorded in 2022. Asia Pacific countries do well at protecting their populations from atrocity crimes and reducing the overall risk of them occurring. These scores have fallen slightly, however, due to the general increased risk of violence and atrocities in the region in the preceding years. It is encouraging to note the (small) increase in engagement with UPR processes, showing that Asia Pacific countries do at least acknowledge the importance of both human rights and multilateral engagement. The bottom Indicators of 2019 remain at the bottom in 2022: in the past years initiatives around atrocity crime risks and incorporating them into domestic mechanisms and other policies has not been a priority for national govern-

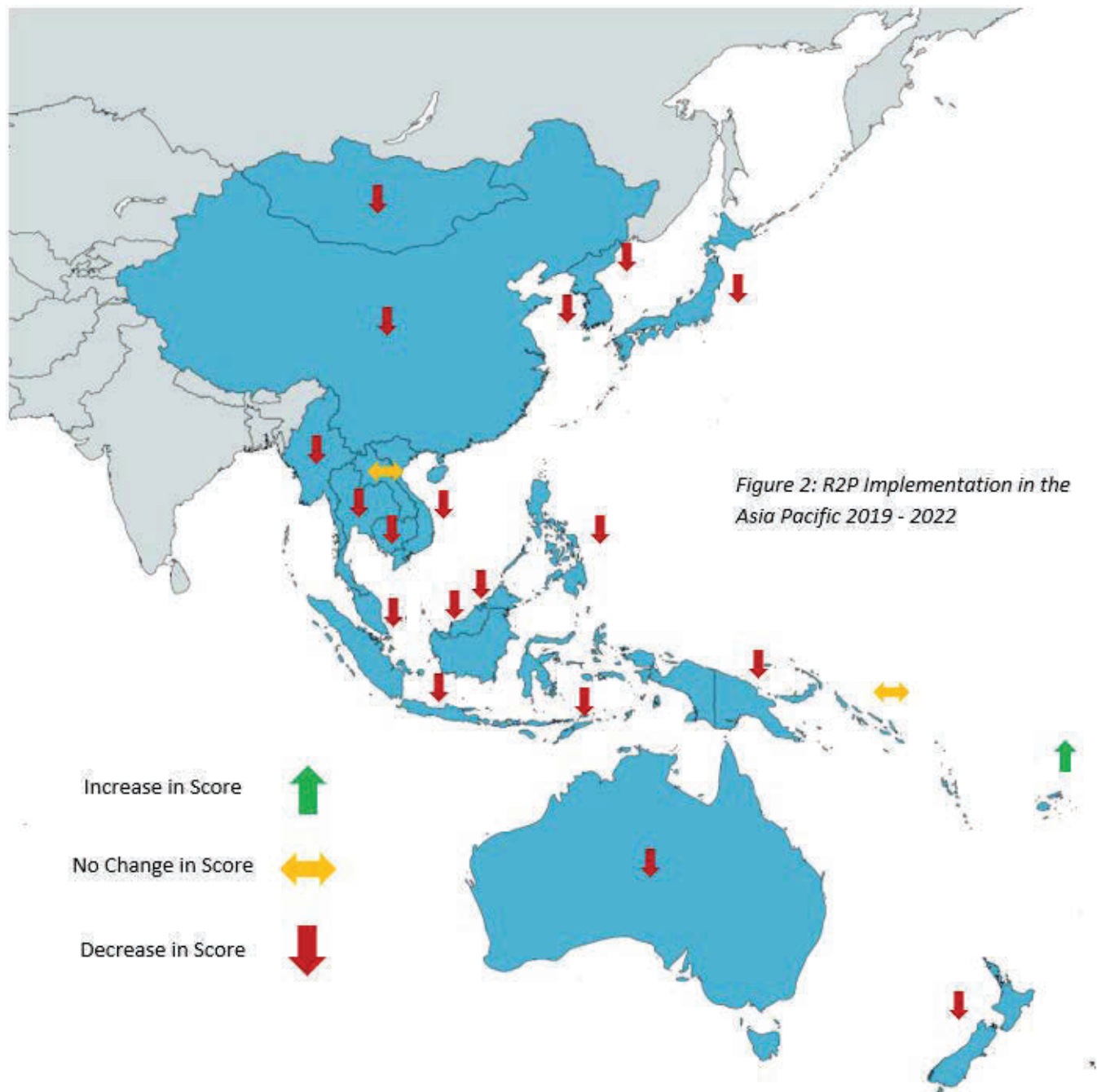
ments. This circumstance, however, could be explained by the onset of the pandemic and the understandable pivot towards ensuring adequate healthcare and vaccination efforts are undertaken.

Another Indicator also saw an increase, regarding the development of capacities needed to support civilian protection through the training of military and civilian personnel. This Index score rose from 47.6 in 2019 to 50 in 2022. While a minor increase, it is in line with the region's preference for international engagement and a relatively strong preference for and engagement with UN peacekeeping operations, particularly by China, Indonesia, Fiji and Mongolia.

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The greatest Indicator to decline was participation in international, regional, and national discussions on the further advancement of R2P, dropping from 61.9 to 44. While this initially may suggest a steep decline in engagement with the principle, it is important to keep in mind the context. This update takes place during the global pandemic, where many countries were in lockdown and international movement was severely curtailed. As such, diplomatic meetings, when they did occur, were by necessity virtual. Those with weak internet infrastructure were less likely to partake in meetings and discussions

they otherwise normally would. Furthermore, the decline in discussions over R2P should be seen as an opportunity for practitioners of atrocity prevention. To address the decline of implementation and engagement with R2P in the region, effort should be aimed at hosting meetings regarding atrocity prevention and R2P, reengaging with governments and civil society organisations within the Asia Pacific once conditions make it safe to do so. Not only would it raise the region's collective score of the Indicator, but would go some way to remind authorities the importance of atrocity prevention and that the responsibility to protect lies primarily with the State.



CONCLUSIONS AND RECOMMENDATIONS

In the past two years, implementation of R2P within the Asia Pacific region has decreased in effectiveness, with most countries regressing overall in comparison to their 2019 'baseline' scores (Figure 2). This fall can be attributed to a variety of factors including ongoing atrocity crimes, increased political autocracy and the COVID-19 pandemic, which has increased the vulnerability of already vulnerable populations and exacerbated existing risk factors of atrocity crimes within States. Protecting refugees fleeing atrocity crimes and dealing with past atrocities also remain problems, as does the region's general aversion to strengthening regional ties.

The overall index score for the region fell by approximately three points, from 45.5 to 42, reflecting the overall erosion of protection from human rights violations and atrocity crime risks. Subregional variations in the average remain, with the Pacific falling from 57.6 to 56; ASEAN countries falling from 36 to 33, and those in Northeast Asia falling from 48 to 43.

However, there remains some good news. Fiji, and to a lesser extent, the Solomon Islands, increased (or remained unchanged) due to heightened domestic capacity of institutions and broad protection of human rights. That both these countries are in the Pacific points to a possible opportunity to engage with receptive Pacific nations over R2P implementation in the future. The inclusion of Vanuatu, another Pacific country, and its relatively high score reinforces this view, and suggests Pacific nations could, with concerted effort, become regional leaders in R2P and atrocity prevention in future years.

As the immediate health risks of the pandemic recede, an opportunity to reengage with States in the region through R2P discussions and dialogues could potentially go a long way in rectifying the general decline in R2P implementation. Fostering awareness and a sense of proactivity around R2P in governments and civil society in the region, particularly those in the Pacific, could ensure atrocity prevention and protection of human rights gain a prominent place in policy circles, and realigns State policies with Pillars I and II of R2P.

The fall in effective R2P implementation as described in this update report is a discouraging sign of how well the R2P principle is regarded in the Asia Pacific. Yet, it does not by any means prescribe how R2P will be understood in the future. Despite general decline, there were some encouraging developments in Pacific nations, as well as

greater effort put in by States to protect civilians in peacekeeping operations. Importantly, Asia Pacific States are at their best when engaging with UN human rights mechanisms and protecting populations from atrocity crimes, and these remain the highest scoring Indicators in the study. These gains give atrocity prevention practitioners an opportunity to lever the interest of States to further the implementation of R2P and strengthen the protection of populations from the risks of atrocity crimes.

To that end, this update report offers the following recommendations:

1. Take further action to better harness the region's strong engagement with UN processes on human rights and national legislation, and to replicate the UN's models of dialogue and engagement. These include matters around human rights, Special Procedure visits, and peacekeeping operations.
2. Strengthen capacity and willingness of States to deal with atrocity crime risks at the regional level, ensuring countries recognise Pillars I and II of R2P begin at the level of the State.
3. Governments, civil society organisations and academia should focus on initiating informal dialogues and discussions with as many stakeholders as possible in the region, particularly in the Pacific, to broaden understanding and engagement with R2P and identify policy areas for future research and development.