

SPOTLIGHT Cambodia



Public seminar The Ukraine War: Implication for International Laws, R2P, and Southeast Asia

On 14 December 2022, from 9:00am-11:00am (Cambodia Time), the Cambodian Institute for Cooperation and Peace (CICP) organized a public lecture on “The Ukraine War: Implication for International Laws, R2P, and Southeast Asia”. The event was supported by the Asia Pacific Centre for the Responsibility to Protect (APR2P). The dialogue was conducted in a hybrid format. There were about 20 active members of Friends to R2P-Cambodia Network joining the dialogue at CICP Office. There were about 90 online attendees joining us online via ZOOM from Cambodia and various countries. Despite not being able to join live via ZOOM, the Embassy of Ukraine in Vietnam, accredited to Cambodia, requested CICP to send a recording of the public lecture. After watching the recording, Nataliya Zhynkina, Chargé d'affaires of the Ukraine Embassy in Vietnam called the lecture as “such a meaningful and structured discussion”.

The lecture aimed to explore key impacts of Russia’s invasion of and continuing atrocities in Ukraine on Southeast Asia and the larger Asia Pacific region. The public lecture also examined some of key implications of the

war for regional peace and stability, international law principles such as sovereignty, territorial integrity, non-interference in internal affairs, and the pursuit of accountability against perpetrators of mass atrocities.

Dr. Bradley Murg, Vice Rector of Academic Affairs and Provost at the Paragon International University, and Senior Advisor at CICP was invited to discuss relevant matter related to the above topic. The lecture was moderated by Amb. Pou Sothirak, Executive Director of CICP.

Amb. Pou Sothirak started the event by welcoming and thanking to Dr. Bradley Murg and all participants joining in-person and online for taking their time to take part in our lecture. He provided the following brief context.

In an exclusive interview with the BBC’s HARDtalk programme recently, Mr Yan Zbigneich Rachinsky, a Russian human rights activist and Nobel Peace prize co-winner said that “In today’s Russia, no-one’s personal safety can be guaranteed,” he said. “Yes, many have been killed. But we know what impunity of the state leads to... We need to get out of this pit somehow.” During his accep-

tance speech in Oslo, Norway, on Saturday 11 December, 2022 He also called “fascism” under Russian President Vladimir Putin has become “the ideological justification for the insane and criminal war of aggression against Ukraine,” according to CNN.

The Russian invasion on Ukraine has caused the largest security crisis in Europe since World War II and resulted in the energy and food crises beyond imagination. This war affects not just the EU but the entire world, creating disturbances in the entire world and now as the largest crisis of the UN global order. The war and the sanctions resulted in a geopolitical risk which could spark nuclear incidence. Russian President Vladimir Putin’s relentless aggression of Ukraine challenge the unipolar world led by the US and prompt the new world order toward a polycentric where there are other powerful actors, such as Russia, ready to set Europe on fire.

After over ten months of fighting, there is no end in sight for the war in Ukraine. Millions of civilians are unable to return home. According to the International Rescue Committee, the continued

conflict in Ukraine is causing extreme civilian harm and leaving millions without access to food, water and other essential supplies. Innocent civilians have been cruelly caught up in the conflict, with over 17,000 casualties since the eruption of the war, including over 6,500 killed. Over 6.5 million people have been internally displaced. Waves of airstrikes which started in October have left even more people across the country to face the cold without access to gas, electricity or centralized heating systems. In just one day in mid-November, over 7 million people were left without electricity due to the fighting. The World Health Organization (WHO) has warned that the cold winter months could also bring a health crisis to Ukraine with thousands are at risk of pneumonia and hypothermia. COVID-19 continues to spread and interruptions to routine vaccinations could even lead to surges of polio.

Southeast Asia countries, multilaterally, first joined the West in condemning Russia, but have since gradually softened their stance towards Moscow. The United Nations General Assembly (UNGA) has proposed and voted on three resolutions concerning Russia. Regarding the first resolution, which condemned Russia's aggression, and the second one, which addressed the humanitarian consequences of the invasion, the majority of Southeast Asian countries voted in favor, while none voted against. However, only two countries supported the third resolution to suspend Russia's membership in the U.N. Human Rights Council. Even Singapore, the only Southeast Asian country to impose sanctions on Russia, abstained, along with five other ASEAN member states. Laos and Vietnam voted no. Cambodia, as this year's ASEAN chair, also called for an end to the war when holding a series of ASEAN meetings with leaders from the U.S. and Russia. For Southeast Asia what appears to happen is the maintenance of its neutrality in the Russia-Ukraine war amidst the escalation of fierce battles between West/Ukraine and Russia. It is no secret that Southeast Asia countries are facing mounting pressure, but also an opportunity to test the efficacy of ASEAN long-established balancing strategies on the backdrop of the bloc centrality and unity.

What are at stake now is to answer the question the need to preserve a world

that is founded on the idea of sovereign integrity of states and the value of non-interference in internal affairs.

The war in Ukraine is a direct challenge to the operating International system that has been in existence since the end of the Second World War. It also disputes the current world order founded on the idea of the sovereign integrity of states, a concept derived from the Westphalian model, which acknowledges the centrality of the state and the value of non-interference in internal affairs. By invading Ukraine, Russia has violated the fundamental principle on which the liberal rules-based international order stands.

Following the bombing of civilians in Ukraine, both Joe Biden and Boris Johnson have accused Vladimir Putin of being "guilty of war crimes". This accusation raises the prospect of what are the established Russian violations of international law and the law of armed conflict? These are the tasks of the International Court of Justice (ICJ) and the International Criminal Court (ICC), to look into the war waged by the Russian leadership against Ukraine. But it seems highly unlikely that Vladimir Putin will be tried in the near future. This is proof that the war in Ukraine proves how difficult it is for the law to regulate international relations. I have more questions than answers and my questions are what is the legitimacy of the levers of international law to deal with conflicts today? Has the law been overtaken by politics in the regulation of international relations? What about under pillar 3 of R2P norm, can international peace keeping force enter Ukraine and reestablish peace and order by chasing out Russian troops from Ukraine? These are highly unlikely to happen as Russia is a power state with military might.

Whatever the outcome of the Ukraine crisis, ending violence against civilians is one of the most important steps to help Ukrainians rebuild their lives. World leaders with eminent influences must ensure that international humanitarian law is upheld and that humanitarian actors are protected and maintain access to help those in need.

The world must also continue to support the plight of the people of Ukraine, deliver the much-needed humanitarian assistance in provide necessary health care programming, food and clean water that people need to survive.

Amb. Pou introduced the speaker and announced the proceedings of the event.

Immediately after his remarks, Dr. Bradley Murg will deliver a lecture which centers on examining the development of the R2P concept over the course of the last 20 years and its evolution in the context of Russian foreign policy - paying particular attention to events in Kosovo, Georgia, Libya, and Syria. He will subsequently examine Russia's current position regarding R2P and its appropriation of R2P language by Moscow in its attempts to frame the invasion of Ukraine as a humanitarian intervention. Finally, he will explore the consequences of the invasion for R2P; next steps if R2P is to continue to evolve as an international norm; and the potential role for Southeast Asia.

After Dr. Murg's presentation, discussion session will be opened for participants to engage with the speaker. Followed the session, Amb. Pou will have a closing remark to conclude the lecture.

Dr. Bradley Murg discussed connections between R2P and Russia's foreign policy for the past 20 years. Russia has evolved from conditionally support-



ing R2P to completely rejecting R2P. To explain this development, Dr. Murg provided some historical contexts of Russia's situations since the end of the Cold War.

In the immediate aftermath of the collapse of the Soviet Union, Russia has been pre-occupied with domestic considerations and has not been so pivotal in shaping international norms. The country generally went along with the West on key norms and key issues in global affairs and regional matters in Europe due to the fact that Russia was weak at that time.

However, things started to shift when NATO bombed Kosovo under the banner of humanitarian interventions in 1999. The bombing did not receive any authorizations by the UN Security Council. Russia protested this development.

The protest grew stronger when Vladimir Putin became president in 2000. Russia pushed the UN to establish a commission on sovereignty to discuss what should be and what should not be humanitarian interventions. Russia argued for any legal humanitarian interventions have to go through the UN system, particularly the UNSC. The reason for this is that Russia believes interventions led by the UN is more plausible to Russia than those led by the US.

Back at the UN World Summit in 2005 in establishing the norm of the Responsibility to Protect (R2P), Russia successfully lobbied with the West for two fundamental changes before agreeing to support R2P. First, any coercive actions in invoking R2P need to be authorized by the UNSC. Second, human rights violations are scoped down to only four crimes namely, genocide, crimes against humanity, war crimes and ethnic cleansing. Not only Russia agreed to adopt R2P in 2005, the country also endorse UNSC resolutions to reaffirm the validity of R2P as an international norm. Observers see this as a high point of R2P.

However, in 2008, Russia invaded parts of Georgia under the pretext of humanitarian interventions to protect ethnic Russians there. This military intervention was not authorized by the UNSC. Defending its actions at that time, Russia drew a parallel between its actions in Georgia to those by NATO in Kosovo. Russia also said this military action merely align to principles of R2P

adopted in 2005.

In 2011, Russia endorsed key UNSC resolutions to authorize the body to do whatever means necessary to protect civilians from state-sponsored attacks by the Libyan government of Muammar Gaddafi. Some experts see Russia's endorsement resulted from Russia's intention to enhance relations with the US and lack of Russia's real strategic interests in Libya. But to Russia's surprise, humanitarian interventions in Libya led to regime change and brutal end of Gaddafi without any real planning of what happened next after the Gaddafi regime was toppled.

Since then, Russia expressed strong reservations any resolutions related to humanitarian interventions and R2P. Russia always exercised its veto against any prospects of humanitarian interventions in dire situations in Syria, Yemen and Myanmar. In 2021, the country went as far to reject R2P.

On 24 February 2022, Russia invaded Ukraine. Russia used the same pretexts as it used in Georgia in 2008 by justifying its actions as humanitarian interventions to protect ethnic Russians in Ukraine from genocide.

Russia's rejection of R2P and invasion of Ukraine has stroke at the heart of the international laws and norms. The country's naked actions signified the return of the order of "might is right" that have negative implications for the future respect of international laws and norms, and what they mean to smaller and weaker states. Southeast Asia should follow developments in Ukraine with concerns as the region comprises of smaller and weaker states. If the region is sincere in upholding international rules-based order, it has to join international efforts to standing against Russia's invasion of Ukraine.

Key discussion questions with Dr. Murg's answers included as follows.

- *How should the international community deal with Russia?*

The international community should set priorities accordingly when it comes to deal with Russia. The first priority is to support Ukraine's defense of its territorial sovereignty. The second priority is to provide functional supports such as rehabilitation and demining to Ukraine when the prospect of peace between Russia and Ukraine is possible.

- *How the UN and ASEAN should respond to the Russia's War in Ukraine?*

For the UN, serious evaluations are needed to transform the body to be more effective, especially on the security question. The body that needs to be reformed is the UNSC. But the political will is not there because Russia along with other Permanent Members do not want to lose their privilege as veto powers. Observers still see the UNSC as a victory club of the Second World War that do not reflect the current global affairs.

For ASEAN, serious questions need to be asked on the regional bloc's *modus operandi* such as consensus and non-interference. By having divided responses to the Russia's invasion of Ukraine, ASEAN's credibility is at stake, particularly the region's stance on upholding the international rules-based order.

- There are some comments that suggest the War in Ukraine can be avoided if Russia and the West negotiated better by neutralizing Ukraine. Could the war really be avoided?

There was nothing could be agreed in advance. Any negotiations would not be appropriate as the territorial integrity of Ukraine is at stake. And the West cannot just negotiate this matter on behalf of Ukraine. Ukraine is a sovereign state and full member of the UN whose existence is protected by the UN Charter.

- *What is the endgame of the Russia's War in Ukraine?*

The endgame of the war is murky because there are many variables that have to take into account including how large the cost that Russia is willing to bear, how committed Ukraine is in defending itself, how united the international community is in helping Ukraine as well as the internal dynamics in Russia.

- *Will Russia pay compensations for Ukraine?*

This issue deserves serious discussions as soon as possible. Another key issue that needs to take into account is how the international community will mobilize resources to support massive reconstructions of Ukraine.

- *There have been voices in the West,*

particularly in the US that advocated for reducing military and economic assistance to Ukraine. Has this view gained momentum?

It is true that there are some voices in the West, especially in the US that want to reduce aids to support Ukraine against Russia. In the US, the view is held by some members of the Republican Party. This group is still in the minority. Overwhelming US support is still there for Ukraine to defend itself against Russia's invasion.

- *Has the War in Ukraine changed any strategic calculations in Southeast Asia?*

The Russia's War in Ukraine has changed significantly strategic calculations in the region. Consolidation and expansion of NATO have been unexpected. There has been strengthening of the Quad. The Ukraine War has had many losers. One of which is China. China has not been informed of the invasion. The fact that Russia invaded Ukraine right after meeting with China gave a bad visual effect on China, suggesting the country is tacitly supporting the invasion. China has grown isolated with the international community on the war.

- *How to enhance trust between the West and Russia?*

The West and Russia have deep mistrust. The West sees Russia's failed democratization and aggressive behaviors in former Soviet Union's states as threats. Likewise, Russia sees the West not recognizing Russia's interests including NATO expansion as threats. The immediate step that both sides, especially Russia should do to restore trust is to show signs that it wants to end the War in Ukraine and wants to negotiate to do so.

- *What are the geopolitical megatrends from the US, China and Russia?*

The world will not be bipolar at the moment. It will remain multipolar. However, this strategic landscape will shift to bipolarity due to inevitable intensifications of the US and China competition. Russia will be a player but the era in the near future will be defined by relations between the two more superpowers namely US and China.

At the end of the discussion session, Dr Murg has two messages. First, R2P is not dead but it will be if no serious actions are not taken by the international community to strengthen the norm and to curb violations of the norm such as Russia's actions in Ukraine. Second, the international community needs to continue to send aids to Ukraine to defend itself against Russia.

Amb. Pou two key takeaways where firstly, R2P remains relevant as a tool to prevent atrocities and to provide protections for populations. This is more relevant more than ever in the War in Ukraine. Superpowers need to come to term among themselves on how R2P can be operationalized. The international community such as UN and ASEAN need to have serious discussions how to practically move R2P forward. Secondly, the endgame of the Russia's War in Ukraine will be difficult as it requires trust and patience between the two sides. The international community such as ASEAN and Friends to Ukraine should consider themselves as Friends to Russia as well in order to foster favorable conditions for Russia and Ukraine to have serious and faithful dialogues to settle their differences. The international community should respect resolutions that come out from the negotiations between the two sides.

Amb. Pou expressed his appreciation to APR2P for the support for this lecture. He thanked to Dr. Bradley Murg and participants for their valuable contributions in making this lecture productive.



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