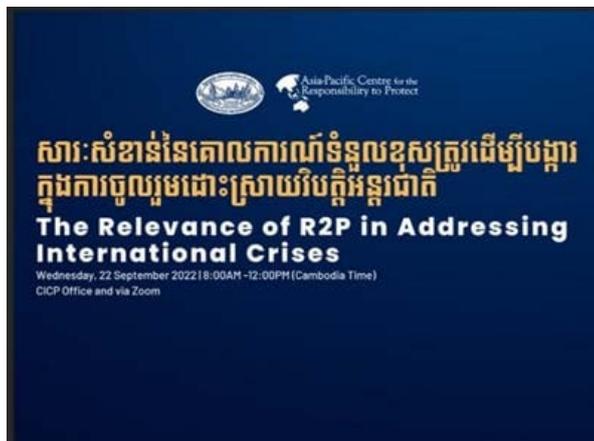


## SPOTLIGHT Cambodia



### National Dialogue on The Relevance of R2P in Addressing International Crises

On 22 September 2022, from 8:00am-12:00pm (Cambodia Time), the Cambodian Institute for Cooperation and Peace (CICP) organized a National Dialogue under the theme of “The Relevance of R2P in Addressing International Crises”. 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 over 100 online attendees from Cambodia and various countries joining us online via ZOOM.

This national dialogue aimed to reflect on the continuing relevance of R2P in preventing mass atrocities such as those in Myanmar and Ukraine, and other hotspots such as those in Southern Thailand and parts of Indonesia and the Philippines. The event also attempted to explore ideas and concrete recommendations that the international community and regional organizations such as ASEAN can adopt in order to mainstream the principle of the R2P in responding to man-made crises.

Five distinguished speakers were invited to discuss relevant topics related to

the above topic namely, H.E. Marzuki Darusman, Member of the Special Advisory Council (SAC) for Myanmar, Founder of Foundation For International Human Rights Reporting Standards (FIHRRST) and Former Chair of an Independent Fact-Finding Mission on Myanmar, United Nations; Dr. Sriprapha Petcharamesree, Advisor, Institute of Human Rights and Peace Studies, Mahidol University; Dr. Bhanubhatra Jittiang, Director of the M.A. and Ph.D. Program in International Development Studies (MAIDS-GRID) and Lecturer of International Relations, Chulalongkorn University; Amb. Yong Chanthalangsy, Representative of Lao PDR to AICHR; and Prof. Mely Caballero-Anthony, President’s Chair in International Relations and Security Studies, Head, Centre for Non-Traditional Security (NTS) Studies, S. Rajaratnam School of International Studies, Nanyang Technological University. Before the dialogue’s sessions convened, we had the pleasure to listen to the opening remarks by Prof. Alex Bellamy, Director of APR2P. At the closing of our event, Dr. Noel Morada, Director, Regional Diplomacy and Capacity Building, APR2P also joined us in delivering his concluding remarks.

#### Opening Session



Amb. Pou Sothirak welcomed and expressed appreciations to all distinguished speakers and participants for joining the R2P National Dialogue. He set the stage by giving relevant background related to the topic of the event.

The world has faced unprecedented humanitarian crises borne out of conflict and crime which continue to shock humanity’s consciousness, particularly the dire situation in Myanmar and Ukraine where the perpetrators of crimes have inflicted severe hardship on innocent civilians and imposed grave breaches against International Humanitarian Law and International Human Rights Law and make a blatant mockery to international norms such as the Responsibility to Protect.

In 2005, the UN member states have made a historic commitment to prevent atrocities and protect civilian from mass crimes everywhere by unanimously adopting R2P. Seventeen years now has passed, while there have been successes in establishing various frameworks to implement R2P, the international community still has not been able to stage concrete actions and has unable to effectively prevent the occurrence of violence and mass crimes and provide the protection to the victims in timely manner as promise.

ASEAN's efforts in preventing atrocity crimes have not been satisfactory neither. The ongoing Myanmar crisis in the aftermath of the military coup on 1 February last year, represents a telling case that there is an urgent need for more effective national, regional, and international response to prevent mass killings of unarmed civilians by the junta who pretend to be the legitimate representative of the people of Myanmar. Without comprehensive resolutions in place and more effective measures from the region bloc, Myanmar could slide further into becoming a failed state and innocent people continue to endure endless suffering from one of the worst humanitarian crises in the region's modern history. Currently, ASEAN has not been able to operationalize the 5-Point Consensus to engage the Tatmadaw in restoring normalcy and return Myanmar back to democracy.

On the part of the world, Russia's war in Ukraine, which started on 24 February this year, has greatly undermined the international rules-based order. Not only did this aggression violate all basic norms of the UN Charter, it has also gravely affected the millions of innocent civilians in Ukraine. The more than 200 days war already resulted in tens of thousands of deaths, displacements, and destruction. Yet, with Russia's veto power at the UN Security Council, this international body appears to be ineffective in setting out real actions to put a stop to this man-made tragedy.

Against these backdrops, CICP took the initiative to organize this National Dialogue. Our Dialogue aimed to reflect on the continuing relevance of R2P in preventing mass atrocities such as those in Myanmar and Ukraine. The event also attempted to explore ideas and concrete recommendations that the international community and regional

organizations such as ASEAN can adopt in order to mainstream the principle of the R2P in responding to man-made crises.

Following Amb. Pou's opening statement, Prof. Alex Bellamy took the floor to make his talk to the event gathering. He shared concerning overview that presents setback to R2P efforts. The world now has more atrocities, more armed conflicts and more civil wars than before, reflecting the limitations of international institutions such as the UN in effectively acting to curbing these concerning trends. The frequent use of veto power at the UN Security Council makes these situations even worse. He then shared his thoughts on why R2P is important in dealing with some of the most challenging humanitarian issues that the world is facing now.



First, R2P is a demand-driven norm. Because of the fact that the international community fails to protect their populations, there have been now growing demands by all relevant stakeholders for concrete actions by the international community, especially the UN. It is important that the UN reaffirms the principle of R2P and start setting up mechanisms to implement the norm as demanded.

Second, while R2P has faced set backs in recent years, some movements and actions are visible to support the norm. These show R2P is important, contrary to the popular belief that R2P has been abandoned. For example, in the UN system, there have been track records that set out mechanisms to strengthen implementations of R2P. In the UN General Assembly, there have been growing voices to support R2P, mechanisms to investigate mass atrocity crimes, and calls for actions to prevent atrocities.

Third, R2P is important because of its champions. Sub-Saharan regional organizations such as the African Union embraced R2P even before the UN did. Therefore, while states' roles are im-

portant, non-state actors such as civil society and individuals also play crucial roles in mainstreaming R2P. Those roles include calling out actions or risks that lead to atrocities, setting up groups of champions for atrocity preventions, and capacity building to prevent atrocities at the local bases.

### Panel 1: Why is R2P still relevant in Southeast Asia at the Present Time?



The first speaker was H.E. Marzuki Darusman. He discussed key challenges confronting the implementation of R2P in ASEAN. First, ASEAN countries continue to view sovereignty very narrowly in a traditional sense. They continue to view sovereignty as a shield for states to do whatever they want within their border. Second, ASEAN members continue to be lukewarm in embracing R2P because of their lack of political willingness to do so. Parts of the reasons include their fear of pillar 3 of R2P that allow the international community to intervene in what they consider as their internal affairs. Third, the strong roles of military in many ASEAN countries hinder progress to fully embrace R2P.

Due to these challenges, progress towards R2P has been slow which is not right. Sovereignty in the 21st century evolves to become a responsibility of states. Key parts of that responsibility are to protect populations from violence and mass atrocities, especially those inflicted by states.

It will not be easy to change the mindset of ASEAN member states as the challenges above indicate. But as a way forward, what ASEAN can do to enhance implementation of R2P is to review Article 20 of the ASEAN Charter to find ways to ensure all ASEAN's decisions and actions will not be blocked by the so called "consensus".

The next speaker was Dr. Sriprapha Petcharamesree. She discussed why R2P is important in Southeast Asia. The primary reason is that Southeast Asia used to face mass atrocities in the

past such as those in Cambodia and Indonesia. As such, the region cannot depend on luck to prevent mass atrocities. There must be a regional system in place to mainstream atrocity preventions.



But the main challenge for this aspiration is the ASEAN states' interpretation of sovereignty. Many of them continue to view sovereignty dated back in the Westphalian era of the 17th century which gives state full power over their people. This is not correct. Sovereignty has evolved and will evolve over time. Sovereignty now is about responsibility of states to protect their own people. In this sense, human rights are no longer internal affairs. They become international affairs.

ASEAN so far has not done enough to support atrocity preventions. The regional organization has to keep pace with human right issues that the region is having, not lurking behind them.

Subsequently, Dr. Bhanubhatra Jittiang talked about the relevance of R2P in the context of Southeast Asia. R2P is often misinterpreted as using forces to depose government. This is a narrow take on R2P. R2P is bigger than this definition. R2P is a commitment by states to protect their populations from violence and mass atrocities, and the international community helps states with this commitment. R2P is about the complementarity of state security and human security which is important for peace and resilience of the Southeast Asian region.



Therefore, R2P needs to be mainstreamed at the national and regional

level with the help of the international community to strengthen efforts to prevent mass atrocities. The efforts can be mainstreamed through establishing and enhancing an early-warning system to prevent mass violence from happening.

But R2P has its own limitations. The norm gives too much responsibility to protect populations to states. This is not pragmatic because in many cases, the ones committing atrocities are the states themselves. It is important that the international community moves beyond R2P to the Responsibility to Solve (ROS) that advocates for the principle of non-indifferences and more roles of the international community to directly involve in helping prevent mass atrocities against populations.



Discussion was moderated by Him Raksmeay with questions from by Friends to R2P-Cambodia Network and members of the online audiences. Key questions were as follows.

- Do ASEAN members think R2P is still relevant?

Pak Marzuki said there has been a general disinterest in R2P in ASEAN due to various reasons mentioned in his presentation. This is a sad situation because there have been many ongoing humanitarian crises happening right in the region such as the Myanmar crisis where measures such as R2P are needed. ASEAN has to accept the fact that Myanmar is a failed state. If there are no actions, the possibility that Myanmar returns to normalcy on its own will be very low.

Ajarn Sriprapha answered that if ASEAN aspires to be people-centered like it claims, ASEAN has to be serious with R2P and atrocity prevention. ASEAN needs to review its Charter to enshrine its commitment and responsibility to protect ASEAN populations from violence and mass atrocity crimes.

- What to be done to move forward R2P amidst ASEAN's disinterest

and constant veto in the UNSC?

Dr. Bhanubhatra said the key way forward to promote awareness at the base, making sure local people understand the depth of R2P. Only through local understanding that the norm can be mainstreamed to national, regional and international level.

Pak Marzuki stated that the concept of non-interference needs to be spoken against to protect populations in crises like Myanmar and Ukraine. The human costs and spillover effects of these crises are too large to be confined as internal affairs. The international community has to do more to help solve these crises.

Ajarn Sriprapha reaffirmed her point that human rights are no longer internal affairs. They become international affairs. Therefore, the international community has to play more important roles to help prevent mass atrocities which are often committed by the states themselves.

## Panel 2: R2P and the Role of ASEAN in Responding to the Crises in Myanmar and Ukraine

Amb. Yong Chanthalangsy discussed the wide ranging of impacts of the current War on Ukraine and its implications on human rights in Ukraine and beyond. Since Russia launched a destructive war against Ukraine on 24 February this year, there have been tragic death tolls and casualties. The impacts do not stop there. They result to calamities to Ukrainian civilians, forcing them to flee their country and becoming refugees with uncertain fates. Besides the humanitarian impacts, there have been global economic, energy and food impacts not only Ukraine, Russia and Europe but also to the rest of the world. Inflation rose combined with a rise of food and energy price have brought pains to many people in various parts of the world. All these impacts have affected human rights of Ukrainians and beyond. The international community should do more to make sure Russia stops this war.



Next, Prof. Mely Caballero-Anthony recalled some key elements of the report of the High-Level Advisory Panel on R2P in 2014 that are relevant to the ongoing crisis in Myanmar. The key point of the report is to link principles of R2P to the ASEAN Charter including good governance, human security and human rights. Therefore, what the Myanmar military has been doing since the coup on 1 February last year are in complete violation against the spirit and principles of the ASEAN Charter and R2P.



The Myanmar crisis represents a telling case that the atrocity prevention system in Southeast Asia is weak. There is a need to revisit all the recommendations listed in the 2014 HLAAP report to mainstream R2P and strengthening human security regime in the region. ASEAN should do more before more crises like Myanmar emerge elsewhere in the region. One of the ways is to enhance the capacity and resource mobilization for R2P champions, individuals or organizations, so that they can work to promote atrocity preventions from the bases, and start mainstream the norm from there to the national and regional level. These are important works that ASEAN should do.



The panel discussion was moderated by Soeung Bunly. There were various questions addressed to the speakers. The main ones include:

- What is the ASEAN's position on sanctions?

Amb. Yong stated that sanctions will not work. Sanctions hurt ordinary people and affect little on those in power.

He recalled past history when sanctions were applied and they were not effective. He called for more patience, diplomacy and talks in solving issues in Ukraine and Myanmar.

Prof. Mely said sanctions need to be carefully defined and discussed. Having effective sanctions require serious deliberations by all those involved. Right now, in the current Myanmar crisis, the key discussion should be how to advance the Five-Point Consensus to stop violence and channel necessary humanitarian assistance.

- How can R2P be concretely applied in Myanmar and Russia-Ukraine crises?

Prof. Mely answered there should be expectation management of what R2P can and cannot do. In a principle sense, R2P is important in addressing these two crises as they focus on the well-being and lives of the people. But in practical sense, R2P needs to be linked to human security to move forward. In the case of the Myanmar crisis, we need to talk more about how to effectively channel humanitarian aids to those in need to help save lives who are in dire situations.

Amb. Yong said whatever approaches the international community takes should be engagements and less confrontations. Confrontations do not work. Countries involved are not scared of sticks. They want to engage, not confront. Also, there should be more objectivity of mainstream medias in reporting crises in Myanmar and Ukraine as for policymakers to make objective and practical policies. The international community should do more to reduce fake news.

Prof. Mely and Prof. Bellamy thought the issues of fake news are of significant importance. States involved needs to do more to promote public understanding and media literacy of news that is going around to reduce negative effects resulted from fake news.

#### Closing Session



Dr. Noel Morada shared his key takeaways of this national dialogue:

- The relevance of R2P still remains to address various issues in the region and beyond.
- Stakeholders need to be empowered to further mainstream R2P. Therefore, more capacity building programs are needed. More efforts are needed to enable local, regional and international champions of R2P. More investments in training and capacity building on R2P are needed for young people.
- R2P is not an enemy to sovereignty but a friend to sovereignty.
- ASEAN must begin to adopt the principle of non-indifference to further protect human security in the region.

He also asked some thought-provoking questions to the audiences:

- Is it time for ASEAN develops sanctions to members that violate the ASEAN Charter?
- Should ASEAN accept the result of the upcoming election organized by the Myanmar military?
- Does ASEAN prepare for the civil war situation in Myanmar?

Amb. Pou Sothirak concluded noting that there has been a decline in effective responses against mass atrocities by the international community. Amb. Pou shared his key takeaways:

- R2P is a demand-driven norm that demands concrete actions from the UN, ASEAN, states, communities and individuals.
- The international community need correct ways to enhance atrocity prevention, and use R2P as an agency.
- Individuals can make a difference. They should be more empowered to further promote R2P.
- ASEAN should pay more attention in enhancing the implementation of R2P in the region and beyond.

Amb. Pou expressed his appreciation to APR2P for the support for this event. He thanked to all speakers and participants for their valuable contributions in making this national dialogue productive.