

## SPOTLIGHT ON R2P



### Second Japan National Dialogue on the Responsibility to Protect and Atrocities Prevention

On February 17, 2023, from 10:00 a.m. to 05:00 p.m. JST, the R2P Network of Japan, the Sophia Institute of International Relations (SIIR), and the Asia Pacific Centre for the Responsibility to Protect (APR2P), with the support of the Institute for Asia Human Community (AHC), organized the Second Japan National Dialogue on the Responsibility to Protect (R2P) and Atrocities Prevention under the theme of “The Role of Japan in Addressing Myanmar’s Humanitarian Crisis.” The dialogue included two hybrid closed sessions and a public seminar held at Sophia University in Tokyo.

The opening remarks of the closed sessions were delivered by Prof. Sukehiro Hasegawa, Distinguished Professor at 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; Dr. Noel M. Morada, Senior Research Fellow and Director for

Regional Diplomacy and Capacity Building of APR2P, School of Political Science and International Studies, The University of Queensland; and Ms. Claire Elias, Minister-Counsellor (Political) of the Australian Embassy in Tokyo.

In his opening remarks, Professor Hasegawa highlighted the significance of R2P and raised three issues he hoped

to address during the dialogue. Even though the regime change in 2011 undermined the legitimacy of R2P, the Libyan crisis emphasized the importance of ensuring human rights and safety for all. In light of this, he proposed several questions for discussion. First, he asked about the implications of options available to the international community to protect people’s well-being and how these options could be implemented without resorting to regime change. Second, he questioned the different roles of regional organizations such as the Association of Southeast Asian Nations (ASEAN), the African Union (AU), the European Union (EU), and the North Atlantic Treaty Organization (NATO) in promoting and protecting human rights. Finally, he referred to John Rawls and Amartya Sen’s concept of the moral approach to achieving a just society that enables people to live safely and asked whether we could shift our paradigm to find ways to strengthen the R2P.



Dr. Morada also extended his welcome to all the participants attending in person and online. He emphasized that the topic of dialogue is crucial, especially in our region, where ongoing crises highlight the importance of R2P and atrocity prevention in the context of human security. Furthermore, he hoped that the dialogue would raise essential questions, generate new ideas regarding Japan's significant role in advocating peacebuilding and human security, and contribute to peacebuilding and dialogue.



Ms. Elias expressed her hope that this dialogue would address the R2P concept in the Japanese context and what the country could do to promote it. She noted that the crisis in Myanmar poses a complex challenge to the international community, particularly to countries such as Australia and Japan. She mentioned that Australia had imposed sanctions on individuals and organizations linked to the military while supporting humanitarian aid and accountability mechanisms. She emphasized the importance of regional unity, with ASEAN playing a critical role in addressing the crisis. Finally, she stressed that the collaboration between Australia and Japan was essential for supporting ASEAN and preventing atrocities. While there are no clear answers, finding options and ideas to promote the R2P norm is vital to upholding human rights and security.



After the opening remarks, Dr. Hiromu Miyashita, the dialogue coordinator, briefly explained the background and objectives of the dialogue and introduced the R2P Network of Japan. The R2P concept was endorsed by the United Nations (UN) in 2005 and active discussions have been held worldwide on R2P and atrocity prevention. However, the international community must respond adequately to the escalating humanitarian crises. Specifically, the recent humanitarian crisis in Myanmar requires us to consider the roles of the R2P concept and international community. However, global concern about this issue has decreased over time, and atrocities continue to be perpetrated. In light of this background, this dialogue aimed to consider the role Japan should play in improving the humanitarian situation in Myanmar.

In the closed sessions, six distinguished speakers were invited to discuss relevant topics. The closed sessions proceeded productively, with insightful presentations and active discussions by around 30 professionals from the government, academia, and civil society, including the Japanese Ministry of Foreign Affairs, Japan International Cooperation Agency (JICA), JICA Ogata Sadako Research Institute for Peace and Development, Global Peacebuilding Association of Japan (GPAJ), and several universities and civil societies in Japan.

### **Session 1: Approaches of Peacebuilding and Humanitarian Assistance**

In the first session, three speakers presented their research on different approaches to peacebuilding and humanitarian assistance. The first speaker introduced the concept of "adaptive peacebuilding," emphasizing the need to build resilient social institutions reflecting the reality of conflict-affected communities. This approach involves continuous learning experiences and structured processes that enable international actors to assist conflict-affected countries in restoring their social systems. The research project examined case studies from various regions, highlighting the importance of an inclusive process that maximizes the parties' capacity to self-organize and generate agreements rooted in the local context.

The second speaker discussed the Japan-Bangsamoro Initiatives for Reconstruction and Development (J-BIRD) and its role in facilitating the synchro-

nization of development, security, and diplomacy in conflict-affected regions. J-BIRD's intermediary role helped create new common norms and values in historically divided societies, reflecting Japan's aid principles of request-based activities, self-reliance, ownership, and capacity development. The speaker emphasized critical considerations for effective operation, such as political, conflict, and stakeholder analysis, and integrating the results into the operation.

The third speaker explored Japan's official development assistance (ODA) policy and its relationship with Myanmar. Despite the recent military coup in Myanmar, Japan continues its humanitarian assistance, citing concern for the well-being of the people in Myanmar and competing interests with China. The speaker indicated that the Government of Japan is attempting to maintain its relationship with the military junta while advocating for democratization in the hope of a future resumption of the process.

In the Q&A session, the participants discussed various aspects of conflict and peacebuilding, particularly in the Philippines and Myanmar. A common theme that emerged was the importance of respecting local contexts and engaging with local stakeholders. While extracting commonalities that apply to different contexts may be challenging, maintaining communication and trust building with local actors are crucial for achieving sustainable peace. The participants also discussed the challenges of democratization in Myanmar, where the military has resisted any changes to the constitution and seeks to rule with impunity. Therefore, it is essential to consider whose definition of democratization will prevail and to what extent it will promote the rule of law and protect human rights.

The participants suggested that back-channel diplomacy and maintaining an official communication channel could ease tensions caused by the conflict. In the conflict in Myanmar, Japan is expected to support conflict resolution, and it is essential to adapt perspectives and understand the local context to develop effective policies and initiatives. In addition, the participants discussed the changes in JICA's policies to implement its cooperation programs under Madam Ogata's presidency.



The participants emphasized respecting local contexts and engaging with local actors in conflict and peacebuilding initiatives. Adapting perspectives and developing policies based on local needs and realities are crucial for achieving sustainable peace.

## **Session 2: R2P and the Role of Japan in Addressing the Myanmar Crisis**

In the second session, three speakers presented the ongoing crisis in Myanmar and Japan's role in addressing it. The first speaker presented the current situation in Myanmar, highlighting the increasing number of casualties, arrests, and internally displaced persons (IDPs) and suggested that Japan and ASEAN could work together to provide humanitarian assistance and facilitate dialogue among conflict protagonists. Furthermore, Japan should assume a clear position against the junta. In addition, the human rights abuses by both sides urged all to respect human rights and protect those suffering the most in Myanmar.

The second speaker emphasized the urgency and complexity of the Myanmar crisis and the need for dialogue partners to work with ASEAN to push the Five-Point Consensus and provide humanitarian assistance. In addition, the international community should report violations and support the countries hosting refugees. The situation in Myanmar is dire, and immediate action is necessary to aid and ensure its safety.

The third speaker discussed the multi-layered crisis in Myanmar and suggested that R2P is relevant to the Rohingya in the Rakhine State, but the current situation is more like a civil war. The speaker highlighted Japan's policy framework and ties with Myanmar's military and suggested that Japan's priorities should be providing humanitarian assistance and creating an alternative coalition for a broader framework. The speaker also questioned what kind of assistance and capacity building is necessary for Myanmar and highlighted the potential role of third countries in Pillar 3.

In the Q&A session, the participants discussed various issues related to Myanmar and ASEAN. Previously, there had been calls for Myanmar's expulsion from ASEAN. Based on the fact, the participants also discussed ASEAN's lever-

age in Myanmar and the importance of its reputation. Another discussion concerned the possibility of a coup in Myanmar. The participants highlighted the importance of engaging with stakeholders and emphasized the need to engage strategically to avoid legitimizing the junta's rule.

Finally, the participants discussed the idea of a humanitarian corridor in Myanmar. The challenge of implementing a humanitarian corridor is the lack of cooperation from neighboring countries and the junta's disregard for international humanitarian laws and conventions. The junta's use of air strikes has targeted civilians and led to the burning of houses and buildings in areas where the resistance was based.

After a lively discussion during the two sessions, Professor Hasegawa and Dr. Morada delivered the closing remarks to close the session.

Dr. Morada thanked the co-organizers and participants for their insightful exchanges regarding the implications of R2P in the atrocities in Myanmar. He notes that in Pillar 1, there is a manifest failure on the part of the junta to take primary responsibility for preventing the four crimes from occurring. In Pillar 2, the capacity-building efforts to prevent atrocities have also failed. He emphasizes the importance of including humanitarian assistance in responding to the crisis. Regional organizations such as ASEAN and its dialogue partners are critical to capacity-building efforts. However, the organization is currently divided concerning the Five-Point Consensus, and the question remains as to whether there will be a breakthrough in the diplomatic stalemate. He also noted the importance of Pillar 3 in the context of Myanmar, as friends of the junta are blocking resolutions in the UN Security Council. He believes these tough questions must be discussed in the years ahead as the crisis continues.

Professor Hasegawa thanked all the contributors and noted that the central issue discussed rests on the assumption that the international community, reflecting the globalization process, is gradually coming together to agree on how to protect people within the international community when any particular state fails to do so. He believes that the ownership of protecting civilians rests with the government in

power. When the government in power fails to do so or does not recognize the importance of protecting civilians, it results in the collapse or manifests the minimum level of governance. He suggests that Japan provide humanitarian assistance and proposes an additional non-permanent or semi-permanent Security Council seat with a renewable term of 4–8 years to represent the current composition of the international community. He believes democratizing the international community is necessary and that Japan has to earn that seat along with South Korea. If such a Security Council were to exist, it could say to Myanmar, "Stop killing your people," that would carry weight. He urges Japan to move in this direction while continuing to provide humanitarian assistance.

## **Humanitarian Crises in Myanmar and R2P**



After the intensive discussions in closed sessions, a public seminar was held in a hybrid format to promote public understanding and nationwide discussion on R2P and atrocities prevention under the sub-theme of "Humanitarian Crises in Myanmar and the Responsibility to Protect" with around 40 participants. Following the opening remarks by Prof. Tadashi Anno, Professor of Political Science at Sophia University and the director of the SIIR, simulating presentations were made by Dr. Noel M. Morada, APR2P, University of Queensland and Prof. Mely Caballero-Anthony, Professor of International Relations, Head of Center for Non-Traditional Security Studies, Nanyang Technology University. Prof. Mie Oba, Professor at Kanagawa University, and Dr. Daisuke Madokoro, Associate Professor at the University of Kitakyushu, served as commentators for the discussion of the three presentations.

In his opening remarks, Professor Anno stressed the importance of the event in addressing the ongoing crisis in Myanmar. The seminar brought distinguished speakers and commentators from Australia and Singapore as well as Japan to discuss the R2P concept, which states that sovereign states have the power and responsibility to protect their people. However, when the state is unwilling or unable to perform this duty, the international community is responsible for intervening and protecting those whose rights have been deprived. The situation in Myanmar presents several difficult issues related to R2P, particularly when the state authority still exists and is exercising power. The seminar aimed to identify effective measures to protect the rights and freedoms of the people in Myanmar while minimizing human sacrifices. Additionally, the geopolitical environment poses challenges in helping Myanmar, with the country often viewed as a pawn in the geopolitical competition among powers. The seminar hoped to facilitate active and fruitful discussions among specialists from different countries and find solutions to urgent and important issues concerning R2P and the crisis in Myanmar.

The first speaker was Dr. Morada. He presented data on the current situation in Myanmar, highlighting the increasing number of casualties, arrests, and disappearances, as well as the growing number of IDPs and destroyed houses and buildings in villages in central Myanmar. He emphasized the complicated nature of the current crisis and the diplomatic stalemate between ASEAN and the junta. He suggested that Japan and ASEAN work together to provide humanitarian assistance to refugees, protect young people, and facilitate dialogue among the conflict's protagonists, including the National Unity Government (NUG), ethnic armed organizations (EAO), and the Rohingya people. He also urged Japan to take a clear position against the junta's efforts to undermine the Five-Point Consensus, UN and Western sanctions, and exclusion of democratic parties in the planned general elections. Furthermore, he inquired about the influence of the Government of Japan on the national reconciliation process in Myanmar. He also expressed concern over the statement of Japan's special envoy to Myanmar, Mr. Youichi Sasakawa,

that the junta should hold elections "no matter what." Such a statement could undermine Japan's credibility and reputation in the region. He also acknowledged the human rights abuses committed by some of the People's Defense Forces (PDFs) and civilian anti-coup resistance forces, urging all sides to respect human rights and protect Myanmar's most vulnerable population.

The second speaker was Professor Caballero-Anthony. First, she highlighted that the Myanmar crisis happened when the global environment was already facing numerous challenges, including the impact of the pandemic. This has affected states' ability to address other countries' needs due to economic displacement and ongoing discussions about economic recovery within their societies. The recent war in Ukraine has also contributed to distractions and disruptions. Myanmar's situation is very complex and urgent, with the military regime overthrowing the democratically elected government in February 2021. ASEAN has been trying to respond to the crisis, but its dialogue partners have different approaches and interests. ASEAN has agreed on the Five-Point Consensus, which includes the immediate cessation of violence and provision of humanitarian assistance. Dialogue partners must work with ASEAN to push the Five-Point Consensus and identify ways to provide humanitarian assistance to those in need, including civil society groups and humanitarian corridors. The international community should also come up with a regional protection agenda and report cases of human rights violation. Dialogue partners should support countries hosting refugees and find ways to stop the violence before seeking pathways for peace. The situation in Myanmar is dire, and immediate action is needed to provide assistance and ensure the safety of those affected.

Professor Oba, the first commentator, argued that the Myanmar case reveals a contradiction in ASEAN's direction. Despite promoting democracy and human rights protection in its objectives and principles, ASEAN has not progressed beyond the principle of non-interference in internal affairs. Consequently, even though it aims to be responsible for democracy and human rights, it has been unable to achieve this objective fully. As a result, when

extreme cases such as that in Myanmar arise, there are limitations to what can be accomplished. Furthermore, the Five-Point Consensus's outlook is bleak, because it heavily focuses on how much compromise can be drawn against Myanmar's military junta. Finally, Professor Oba pointed out that how Japan responds to the humanitarian crisis in Myanmar will pose a serious challenge to Japan's universal values and how it engages with R2P.

The second commentator Dr. Madokoro raised five main questions as follows.

1. [A promise or an illusion?] Given that R2P has helped raise global expectations about prevention and protection, is R2P still a promise or an illusion for the people of Myanmar? What has R2P changed so far?
2. [Why Myanmar?] If resources and capacities are too limited for the international community to step in every time and everywhere, why do we commit ourselves to Myanmar, not others? Should we prioritize one crisis over others?
3. [International response?] The UNSC adopted the first-ever resolution in December 2022 to call for an immediate end to violence in Myanmar. Does this encourage ASEAN to be more active?
4. [Key players?] R2P will succeed if all key players come in. How can we proactively involve China and Russia in the Myanmar crisis?
5. [Japanese Responsibility?] The responsibility to protect the people of Myanmar is placed upon the Japanese government and the Japanese people. How can we, as civilian populations, fulfill that responsibility? For example, can we accept evacuees and refugees at the community level in Japan?

In his response, Dr. Morada pointed out that R2P is a concept that originated in Africa in 1998, developed by former diplomat Francis Deng from Sudan. The African Union (AU) was the first to adopt the principle of non-indifference after its transformation from the previous Organization of African Unity (OAU), which then strictly adhered to the non-interference principle. Under Article 4(h) of its 2000 Constitutive Act,

the AU can intervene even without the consent of a member state in cases of genocide, crime against humanity, or war crimes. R2P evolved from the African experience and was further pursued by former UN Secretary-General Kofi Annan in his calls for the international community to respond more effectively to humanitarian crisis brought about by mass atrocities. R2P is not a Western concept, and the African Union had already adopted it under the Ezulwini principles and ahead the UN General Assembly's incorporating it in the 2005 World Summit Outcome Document. The non-interference principle of ASEAN is no longer strictly adhered to by some member states particularly in dealing with humanitarian crises in Myanmar.

Dr. Morada also stressed that we should not think R2P is an illusion. We are failing R2P because we are not responding effectively in accordance with existing norms related to atrocities prevention after the principle was adopted in the UNGA. The purpose of R2P is to redefine sovereignty, which was traditionally defined as the absolute right of the state to protect itself from external interference in its domestic affairs. Instead, R2P should be linked to good governance, rule of law, accountability, and the protection of human rights. R2P is in fact a friend of sovereignty if viewed as a responsibility, which can then enhance the legitimacy of the state. R2P is not in conflict with ASEAN norms as many elements of the ASEAN Charter and agreements are and can be linked to this principle that takes a comprehensive view of security—i.e., including human security and not just the security of the state. He also pointed out that since the February 2021 coup, Myanmar is becoming a failed state as there is a significant increase in illegal and illicit activities such as drug trafficking, human trafficking, and weapons smuggling. The proliferation of this dark economy in Myanmar is due to the breakdown of law and order, which could then spill over into neighboring countries in the region.

For her part, Professor Caballero-Anthony explained that R2P is not an illusion because people are fleeing across borders due to intentional targeting, ethnic cleansing, and indiscriminate shooting by the Myanmar military. R2P is intended to protect populations from such crimes. Therefore, it cannot be

considered an illusion. The protection agenda itself is real and necessary. She also said that Myanmar is important to East Asia because it is located in the region and it is in the national interest of countries such as Japan, China, India, and Russia, who are investing heavily in the country. Regarding Pillar 3, she mentioned that military intervention is not currently an option, but there are other tools for intervention, such as using interlocutors to persuade the military to act in their own interest to prevent atrocities. She also emphasized that multiple pathways to peace are needed, and it is important to make a strong case to the military junta that the situation in Myanmar is untenable. The fracturing of the state is a concern, and support from the international community is necessary to find a solution.

In addition, comments and questions from the floor were raised and a meaningful discussion ensued. This second dialogue was a significant opportunity for stakeholders in Japan to deepen their understanding of R2P and atrocity prevention, and to strengthen their network. The R2P Network of Japan, SIIS, and APR2P, with the support of AHC, look forward to continuing engagement with partners and stakeholders in Japan and hosting the Japan National Dialogue on R2P and Atrocities Prevention the following year. Furthermore, the issues raised in the Second National Dialogue must be deliberated further through collaborative research and cooperation with local, regional, and global partners in the Asia-Pacific region.

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