

2nd Dissemination Meeting and Policy Roundtable on the Responsibility to Protect (RtoP) 28 March 2011

Co-organised by the RSIS Centre for Non-Traditional Security (NTS) Studies, the Institute of Security and International Studies (ISIS Thailand), the National Research Council of Thailand (NCRT) and the Strategic Studies Center (SSC) of the National Defence Studies Institute, Thailand











2ND DISSEMINATION MEETING AND POLICY ROUNDTABLE ON THE RESPONSIBILITY TO PROTECT (RtoP)

SUMMARY REPORT

CO-ORGANISED BY

THE RSIS CENTRE FOR NON-TRADITIONAL SECURITY (NTS) STUDIES
THE INSTITUTE OF SECURITY AND INTERNATIONAL STUDIES (ISIS THAILAND)
THE NATIONAL RESEARCH COUNCIL OF THAILAND (NRCT)
THE STRATEGIC STUDIES CENTER (SSC) OF THE NATIONAL DEFENCE STUDIES INSTITUTE,
THAILAND

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THE AUSTRALIAN RESPONSIBILITY TO PROTECT FUND THE NATIONAL RESEARCH COUNCIL OF THAILAND (NRCT) THE JOHN D. AND CATHERINE T. MACARTHUR FOUNDATION

28 March 2011 BANGKOK, THAILAND

S. RAJARATNAM SCHOOL OF INTERNATIONAL STUDIES (RSIS) NANYANG TECHNOLOGICAL UNIVERSITY (NTU) 2011

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SUMMARY REPORT

of the

2nd Dissemination Meeting and Policy Roundtable on the Responsibility to Protect (RtoP) 28 March 2011

The 2nd Dissemination Meeting and Policy Roundtable on the Responsibility to Protect (RtoP) held on 28 March 2011 in Bangkok, Thailand, was the second of two dissemination exercises to circulate the findings of the Responsibility to Protect Study Group convened by the Centre for Non-Traditional Security (NTS) Studies, S. Rajaratnam School of International Studies (RSIS) in 2009. This Meeting was co-organised by the RSIS Centre for NTS Studies, the Institute of Security and International Studies (ISIS Thailand), the National Research Council of Thailand (NRCT) and the Strategic Studies Center (SSC) of the National Defence Studies Institute, Thailand.

The aims of the two dissemination meetings were to introduce possible policy entry points for operationalising the RtoP in Asia, and more broadly, promote an understanding of the RtoP and assist in operationalising it in Asian policymaking. In line with these aims, various topics were covered by the Study Group. The role of major powers in East Asia in the advancement of the RtoP was a major focus. In addition, the potential of regional mechanisms to promote and raise awareness of the RtoP was examined. The mechanisms which were assessed included the ASEAN Charter and the ASEAN Political-Security Community (APSC), as well as the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC).

Prominent participants included keynote speaker Professor Vitit Muntarbhorn, former UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, and on the Situation of Human Rights in the Democratic People's Republic of Korea (North Korea); Lieutenant General Prasart Sukkaset, Deputy Commanding General of the National Defence Studies Institute of the Royal Thai Armed Forces; and General Charan Kullavanijaya, former Secretary-General of the National Security Council and Chairman of the National Defence Alumni Think Tank of Thailand. There were also representatives from the military forces of Thailand, the Thailand Ministry of Foreign Affairs, foreign embassies in Thailand, the International Committee of the Red Cross (ICRC), research institutes and universities.

The following summarises the main themes that emerged during the roundtable discussions.

• Appropriate interpretation of the RtoP and clear identification of its value added to the existing civilian protection mechanisms are important conditions for its advancement in East Asia as well as other regions.

One of the reasons the RtoP has yet to diffuse throughout East Asia is that it is poorly understood and wrongly perceived as a threat to state sovereignty. The UN Secretary-General's 2009 report, *Implementing the Responsibility to Protect*, identifies three strategic 'pillars'. Pillar I emphasises that states have a responsibility to protect their citizens from the four mass atrocity

¹ For more on the first of the two dissemination meetings, which was held in Tokyo, Japan, on 26 January 2011, see RSIS Centre for Non-Traditional Security (NTS) Studies, 2011, *Dissemination Meeting and Policy Roundtable on the Responsibility to Protect (RtoP) (26 January 2011)*, Summary Report, Singapore. http://www.rsis.edu.sg/nts/HTML-Newsletter/Report/pdf/Dissemination Meeting Report.pdf

crimes of genocide, crimes against humanity, ethnic cleansing and war crimes. Pillar II suggests that the international community has a responsibility to assist the state and to help build capacity when a state is unable to protect its civilians from such mass atrocity crimes on its own. Pillar III provides for timely and decisive response (when states are unwilling or unable to protect their populations from the specified mass atrocity crimes) by the international community, using diplomatic and economic intervention, with military intervention as a last resort. This last pillar gives rise to concerns of external intervention, particularly in East Asia, where it is commonplace for states to hold traditional understandings of sovereignty and uphold the principle of non-intervention in the domestic affairs of another state.

Consequently, it is important to counter any inaccurate interpretations of the RtoP concept which could hamper or compromise the diffusion and operationalisation of the RtoP. It is important to instil the awareness that the RtoP notion does not serve as an excuse for military enforcement and unilateralism. Rather, it respects sovereignty and endorses the use of force only as a last resort.

Clarifying the scope of the RtoP is also crucial in promoting the notion. According to the Outcome Document of the 2005 UN World Summit, the RtoP does not cover all human rights abuses but only the abovementioned four mass atrocity crimes. The restrictions on the application of the RtoP have become particularly controversial in the wake of the 2008 Cyclone Nargis in Myanmar. It was proposed by some that government inaction in the face of natural disasters, such as that of the Myanmar military government, should be regarded as crimes against humanity that justify the invocation of the RtoP. However, opponents of the inclusion of natural disasters argue that such an expansion risks diluting the RtoP and minimising its universal acceptance. Indeed, the report of the International Commission on Intervention and State Sovereignty presented to the 2005 World Summit included 'avoidable catastrophe', noting in particular man-made disasters and famine, both of which were dropped in the negotiations and excluded from the Outcome Document.

The ways in which the RtoP adds value to existing civilian protection mechanisms is another essential issue. There are already a variety of instruments for preventing and punishing breaches to international peace and security as well as the commission of mass atrocities, such as the UN Charter, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (commonly known as the Genocide Convention) and the Rome Statute. If mass atrocities occur in a state, the UN Security Council is authorised to adopt resolutions to deal with the situation even without the RtoP. The clear identification of the RtoP's value added, that is, its additional contribution in terms of mass atrocity *prevention* and people *protection*, would therefore be important in persuading policymakers on the need for it.

There was a consensus that mass atrocities in one state could also yield impacts on neighbouring states and the wider region because globalisation has made states more interdependent. Hence, although the international system is still state-centric, sovereignty is no longer a sufficient justification for a state to reject external assistance to help protect its civilian population. The RtoP advances the notion of global accountability which upholds the responsibility of states and provides a mechanism through which to check whether states are able to protect their civilian population from mass atrocities.

 The traditional regional support for the principle of non-intervention has largely shaped the position of major regional states, resulting in an emphasis on Pillars I and II of the RtoP.

Although East Asian states support the RtoP in principle, they still approach it with relative caution. The stance of Northeast Asian states on the RtoP has been influenced by their respective diplomatic tenets. China stresses the state's primary responsibility to protect its own citizens, the minimum use of force, respect for UN authority and the importance of multilateralism. Japan's reservations arise from the fear that the RtoP could be a rival to its own diplomatic doctrine – Human Security – as the RtoP is believed to stress the security dimension while Japan's Human Security diplomacy is focused more on the development dimension. It is nevertheless possible to see the two concepts as being complementary to, rather than in competition with, one another.

In Southeast Asia, sovereign integrity has been a major issue standing in the way of full acceptance of the RtoP. In addition, as the governments of these states have been more concerned with domestic politics, the RtoP has not been given high priority. Moreover, the attitudes of these states towards the RtoP have been shaped by their respective domestic political concerns. Malaysia has been supportive in principle but its position has been considerably influenced by its consideration of the costs and benefits related to RtoP operationalisation. Thailand and Indonesia have only given rhetorical support to the RtoP because of domestic instability and separatist movements.

In view of the concern of East Asian states over the possible infringement of sovereignty as a result of the operationalisation of the RtoP, a preference for Pillars I and II was seen during the roundtable discussions, while Pillar III was regarded as a sensitive issue requiring great caution. It was argued that economic, social and political development could reduce the likelihood of the occurrence of mass atrocities in East Asia as well as other regions. Therefore, comprehensive state capacity-building was regarded as the best primary approach for operationalising the RtoP in the region. Within this context, the role of the international community could be to assist East Asian states in economic development and the improvement of human rights mechanisms.

As for Pillar III, some participants suggested that states refrain from using it directly. It was noted, however, that Pillar III is not only about the use of force but also non-military measures such as implementing early warning systems, and diplomatic and economic sanctions.

• As states are constrained by the principle of non-intervention, civil society movements are more likely to take on the role of regional champions of the RtoP in East Asia.

Supportive regional mechanisms are vital to the diffusion of the RtoP. Both the 2005 World Summit Outcome Document and the 2009 report of the UN Secretary-General on the RtoP recognise the crucial role of regional organisations in operationalising the norm. Further, the recent crisis in Libya has again demonstrated the relevance of regional organisations. It was noted that the position of the Arab League and African Union on the situation in Libya was one of the key reasons China voted in favour of UN Security Council resolution 1970 (which authorised sanctions on Libya) and abstained from voting on resolution 1973 (which imposed a no-fly zone on Libya), both of which recalled the state's responsibility to protect its own people. Hence, the positions taken by regional organisations can have substantial influence on states both inside and outside the region.

In East Asia, there are a host of regional mechanisms that could serve as potential avenues for advancing the RtoP, including the APSC, the ASEAN Regional Forum (ARF) and the AICHR. However, there are limitations to using each of these regional organisations to diffuse and operationalise the RtoP. While the APSC may provide broad support for RtoP implementation in ASEAN, its immediate utility for enhancing ASEAN's readiness and capacity to address the four specific mass atrocity crimes is problematic as the APSC is premised on the policy of non-interference and is designed to manage inter-state rather than intra-state relations. As an interstate forum, the ARF faces the same problem as the APSC. Moreover, the ARF is still in the early stages of development and needs to grow further before it is able to serve as a platform for advancing the RtoP. However, both avenues have yet to have an RtoP situation tabled for discussion, and thus, the actual responses and utility of these mechanisms remain to be seen.

Compared with the APSC and the ARF, the newly established AICHR may be better placed to provide potential avenues for incremental approaches to the acceptance of the RtoP. Despite criticisms that the AICHR lacks teeth and that its decision-making process remains unclear, this mechanism has one advantage – its mandated functions as presented in its Terms of Reference are generally ambiguous. These ambiguities arguably open the way for a broader interpretation of the AICHR's functions and may be utilised as entry points for operationalising the RtoP in the region. In this regard, the following are opportunities that are available to the AICHR to influence normative development in the region: (1) the ASEAN Human Rights Declaration is in the drafting process and the AICHR could initiate efforts to incorporate RtoP elements into the declaration; and (2) the AICHR could seek situational reports from civil society to monitor potential conflict situations and work together with civil society to develop early warning indicators.

In addition to these regional mechanisms, strong regional champions are also essential for the RtoP to gather momentum. Given the persistence of the non-intervention norm in the region, national governments are not likely to proactively take the lead in operationalising the RtoP. Instead, civil society organisations (CSOs), which are closer to the people and more flexible than state actors, are better placed to be regional champions of the RtoP. In fact, there are already some CSOs which are RtoP advocates in the region, such as the Asia-Pacific Centre for the Responsibility to Protect. CSOs can contribute to the diffusion and operationalisation of the RtoP by easing the concerns and suspicions of states, disseminating the proper interpretation of the RtoP notion and its value added in terms of civilian protection and the preservation of peace and security, and facilitating the promotion of a state's accountability to its population.

PROGRAMME

2nd Dissemination Meeting and Policy Roundtable on the Responsibility to Protect (RtoP) 28 March 2011 Bangkok, Thailand

28 March 2011 (Monday)

08:30 – 08:55 Registration

09:00 - 09:10 Welcome Remarks

Lieutenant General Prasart Sukkaset Deputy Commanding General of the National Defence Studies Institute Royal Thai Armed Forces

Thailand

09:10 – 09:30 **Opening Remarks**

Professor Thira Sutabutra Chairman of the Executive Board Office of the National Research Council of Thailand (NRCT) Thailand

and

Associate Professor Mely Caballero-Anthony
Director of External Relations, ASEAN Secretariat
Jakarta, Indonesia
and Head (currently on secondment)
Centre for Non-Traditional Security (NTS) Studies
S. Rajaratnam School of International Studies (RSIS)
Nanyang Technological University
Singapore

09:30 - 10:00 Keynote Speech

Professor Vitit Muntarbhorn Faculty of Law, Chulalongkorn University Thailand

10:00 – 10:50 <u>Session 1: RtoP in Asia – Conceptual Issues and Challenges</u>

This session will map out and understand the different stakeholders' perception of RtoP in Asia. Issues include: the extent to which the RtoP has gained traction in Asia despite existing roadblocks, and the challenges and obstacles in advancing the RtoP principles in Asia.

Speakers:

RtoP in Asia: Issues and Challenges

Associate Professor Mely Caballero-Anthony Director of External Relations, ASEAN Secretariat

Jakarta, Indonesia

and Head (currently on secondment)

Centre for Non-Traditional Security (NTS) Studies S. Rajaratnam School of International Studies (RSIS)

Nanyang Technological University

Singapore

A Glass Half Empty? The Contested Diffusion of the Responsibility to Protect Norm in Southeast Asia

Dr David Capie

Senior Lecturer, School of History, Philosophy, Political Science and International Relations Victoria University of Wellington, New Zealand

Presented by:

Associate Professor Mely Caballero-Anthony
Director of External Relations, ASEAN Secretariat
Jakarta, Indonesia
and Head (currently on secondment),
Centre for Non-Traditional Security (NTS) Studies
S. Rajaratnam School of International Studies (RSIS)
Nanyang Technological University
Singapore

Q & A Session

This session examines the extent to which institutional developments have been conducive to the promotion of RtoP in the region, and the effectiveness of institutions such as the ASEAN Political-Security Community (APSC), the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Regional Forum (ARF) in promoting the RtoP.

Session 2: Operationalising the RtoP - Regional Mechanisms

Chair:

11:10 - 12:25

Professor Carolina Hernandez
Founding President and
Chair of the Board of Directors

Institute for Strategic and Development Studies

Manila, Philippines

Speakers:

The ASEAN Security Community and RtoP

Dr Rizal Sukma Executive Director

Centre for Strategic and International Studies

Jakarta, Indonesia

ASEAN Human Rights Commission and the RtoP

Professor Herman Kraft Executive Director Institute for Strategic and Development Studies Philippines

Presented by:

Professor Carolina Hernandez
Founding President and
Chair of the Board of Directors
Institute for Strategic and Development Studies
Manila, Philippines

Q & A Session

13:30 – 14:45 <u>Session 3: Country Perspectives on RtoP in</u> Southeast Asia

This session examines the extent to which RtoP has gained traction in countries in the region, and the challenges, obstacles and prospects in advancing the RtoP principles. Case studies include Thailand, Malaysia and Indonesia.

Chair: Professor/Atty Katherine Marie G. Hernandez

Department of Political Science

College of Social Sciences and Philosophy University of the Philippines-Diliman, Philippines

Speakers: Thailand and the RtoP

Dr Keokam Kraisoraphong

Assistant Professor

Institute of Security and International Studies (ISIS Thailand)

Chulalongkorn University

Bangkok, Thailand

Malaysia and the RtoP

Ms Elina Noor Assistant Director

Foreign Policy and Security Studies

Institute of Strategic and International Studies

Kuala Lumpur, Malaysia

Indonesian Civil Society and the RtoP

Ms Lina Alexandra

Researcher

Department of Politics and International Relations Centre for Strategic and International Studies

Jakarta, Indonesia

Q & A Session

14:45 - 15:45 Session 4: Country Perspectives on RtoP in Northeast Asia

This session is a continuation from session 3, which examines the traction RtoP has gained in the region. Issues include: the role of major powers (China and Japan) in advancing the RtoP.

Chair: Dr Rizal Sukma

Executive Director

Centre for Strategic and International Studies

Jakarta, Indonesia

Speakers: China and the RtoP

Dr Liu Tiewa

Deputy Director, Research Center of

United Nations and International Organizations

and Assistant Professor

School of International Relations and Diplomacy

Beijing Foreign Studies University

Beijing, China

Japan and the RtoP

Professor Jun Honna

Faculty of International Relations

Ritsumeikan University

Kyoto, Japan

Presented by: Dr Rizal Sukma Executive Director

Centre for Strategic and International Studies

Jakarta, Indonesia

Q & A Session

16:00 - 17:00 Session 5: Ways Forward in Advancing the RtoP in Asia

This final session aims to discuss the different stakeholders' understandings of the RtoP, including sub-regional differences and how

they relate to the global (UN) understanding of the RtoP.

Associate Professor Mely Caballero-Anthony

Director of External Relations

ASEAN Secretariat Jakarta, Indonesia

Chair:

and Head (currently on secondment)

Centre for Non-Traditional Security (NTS) Studies

S. Rajaratnam School of International Studies (RSIS) Nanyang Technological University, Singapore

Speakers: General Nipat Thonglek

Special Advisor to the National Defence Studies Institute

Royal Thai Armed Forces

Bangkok, Thailand

Professor Carolina Hernandez Founding President and Chair of the Board of Directors

Institute for Strategic and Development Studies

Manila, Philippines

Dr Vitit Muntarbhorn

Professor of Law, Chulalongkorn University

Bangkok, Thailand

Q & A Session

17:00 – 17:10 Concluding Statement and Closing Remarks

General Charan Kullavanijaya Former Secretary-General of the National Security Council and Chairman of the

National Defence Alumni Think Tank of Thailand

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ABOUT THE INSTITUTE OF SECURITY AND INTERNATIONAL STUDIES (ISIS THAILAND)

The Institute of Security and International Studies (ISIS Thailand) was founded in 1981 as the Southeast Asian Security Studies Programme within the Faculty of Political Science, Chulalongkorn University. In February 1982, its status changed when it became an institute officially sanctioned by Chulalongkorn University, entrusted with the task of conducting independent research and disseminating knowledge on international and security issues.

The objectives of ISIS are:

- To benefit teaching and research at the university level by promoting knowledge and understanding of international and security issues, both traditional and non-traditional, with particular emphasis on those as they directly and indirectly affect Thailand.
- To help pin-point problems, pose questions, and identify policy options for Thai government agencies on security matters that may directly and indirectly affect Thailand and Southeast Asia.
- To enhance the general public's awareness and understanding of security and international issues in a comprehensive manner.
- To promote cooperation at the international level with other regional institutes with similar objectives.

ABOUT THE NATIONAL RESEARCH COUNCIL OF THAILAND (NRCT)

The National Research Council of Thailand (NRCT) was established in 1956. The administrative functions of the NRCT are carried out by the Office of the National Research Council of Thailand which was institutionalised in 1959. The major activities of the NRCT are concerned with the adoption of national research policy guided by the present need for research as directed by the Thai government, the promotion of research work in terms of research grants to both government and private sectors, coordination with national/international organisations on research projects, as well as the exchange of research information and researchers. Moreover, it serves as a research documentary centre where research works in both natural and social sciences are compiled and disseminated to all researchers.

ABOUT THE STRATEGIC STUDIES CENTER (SSC) OF THE NATIONAL DEFENCE STUDIES INSTITUTE, THAILAND

The Strategic Studies Center (SSC) of the National Defence Studies Institute, Thailand, is responsible for research and assessment of all strategic factors affecting national security. The Center has established itself as a venue for training workshops, conferences, seminars as well as forums for discussion among academics from both Thailand and partner nations.

The National Defence Studies Institute (NDSI) is responsible for the administration of advanced military education programmes and post-graduate courses. A total of 1,000 students enrol in various courses offered by the institute each year.

The NDSI also organises a degree presentation ceremony by the King of Thailand, His Majesty, Bhumibol Adulyadej, to graduates from eight higher military academic institutes annually.

The NDSI comprises six institutes. These include:

- National Defence College (NDC)
- Joint Staff College (JSC)
- Applied Psychology Institute (API)
- Strategic Studies Center (SSC)
- Armed Force Academics Preparatory School (AFAPS)
- Military Technical Training School (MTTS)

ABOUT THE RSIS CENTRE FOR NON-TRADITIONAL SECURITY (NTS) STUDIES

The RSIS Centre for Non-Traditional Security (NTS) Studies conducts research and produces policy-relevant analyses aimed at furthering awareness and building capacity to address NTS issues and challenges in the Asia-Pacific region and beyond.

To fulfil this mission, the Centre aims to:

- Advance the understanding of NTS issues and challenges in the Asia-Pacific by highlighting gaps in knowledge and policy, and identifying best practices among state and non-state actors in responding to these challenges.
- Provide a platform for scholars and policymakers within and outside Asia to discuss and analyse NTS issues in the region.
- Network with institutions and organisations worldwide to exchange information, insights and experiences in the area of NTS.
- Engage policymakers on the importance of NTS in guiding political responses to NTS emergencies and develop strategies to mitigate the risks to state and human security.
- Contribute to building the institutional capacity of governments, and regional and international organisations to respond to NTS challenges.

Our Research

The key programmes at the **RSIS Centre for NTS Studies** include:

- 1) Internal and Cross-Border Conflict
 - Dynamics of Internal Conflicts
 - Multi-level and Multilateral Approaches to Internal Conflict
 - Responsibility to Protect (RtoP) in Asia
 - Peacebuilding
- 2) Climate Change, Environmental Security and Natural Disasters
 - Mitigation and Adaptation Policy Studies
 - The Politics and Diplomacy of Climate Change
- 3) Energy and Human Security
 - Security and Safety of Energy Infrastructure
 - Stability of Energy Markets
 - Energy Sustainability
 - Nuclear Energy and Security
- 4) Food Security
 - Regional Cooperation
 - Food Security Indicators
 - Food Production and Human Security

5) Health and Human Security

- Health and Human Security
- Global Health Governance
- Pandemic Preparedness and Global Response Networks

Our Output

Policy Relevant Publications

The **RSIS Centre for NTS Studies** produces a range of output such as research reports, books, monographs, policy briefs and conference proceedings.

Training

Based in RSIS, which has an excellent record of post-graduate teaching, an international faculty, and an extensive network of policy institutes worldwide, the Centre is well-placed to develop robust research capabilities, conduct training courses and facilitate advanced education on NTS. These are aimed at, but not limited to, academics, analysts, policymakers and non-governmental organisations (NGOs).

Networking and Outreach

The Centre serves as a networking hub for researchers, policy analysts, policymakers, NGOs and media from across Asia and farther afield interested in NTS issues and challenges.

The **RSIS Centre for NTS Studies** is also the Secretariat of the Consortium of Non-Traditional Security Studies in Asia (NTS-Asia), which brings together 20 research institutes and think tanks from across Asia, and strives to develop the process of networking, consolidate existing research on NTS-related issues, and mainstream NTS studies in Asia.

More information on our Centre is available at www.rsis.edu.sg/nts.

Research in the RSIS Centre for NTS Studies received a boost when the Centre was selected as one of three core institutions to lead the MacArthur Asia Security Initiative in 2009.

The Asia Security Initiative was launched by the John D. and Catherine T. MacArthur Foundation in January 2009, through which approximately US\$68 million in grants will be made to policy research institutions over seven years to help raise the effectiveness of international cooperation in preventing conflict and promoting peace and security in Asia.

CENTRE FOR NON-TRADITIONAL SECURITY STUDIES

A Centre of the S. Rajaratnam School of International Studies at Nanyang Technological University

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