ADVANCING ATROCITIES PREVENTION IN SOUTHEAST ASIA
The International Coalition for the Responsibility to Protect convenes and collaborates with civil society, Member States, and regional and sub-regional organizations to strengthen normative consensus for RtoP, further the understanding of the norm, push for strengthened capacities to prevent and halt genocide, war crimes, crimes against humanity, and ethnic cleansing, and mobilize NGOs to push for action to save lives in RtoP country-specific situations.

Who Are We?

ICRtoP

The mission of the Asia Pacific Centre for the Responsibility to Protect is to deepen knowledge and advance policy on the Responsibility to Protect principle and mass atrocities prevention and response in the Asia Pacific region.
On 4-6 November, 9-11 November 2015, and 7-9 December 2015, the International Coalition for the Responsibility to Protect (ICRtoP) and the Asia-Pacific Centre for the Responsibility to Protect (APR2P) held three installments of their workshop series “Advancing Atrocities Prevention in Southeast Asia” in Bangkok, Thailand; Jakarta, Indonesia, and Kuala Lumpur, Malaysia, respectively. The organizers gathered civil society representatives from Thailand, Cambodia, Indonesia, the Philippines, Malaysia, and Myanmar in order to a) deepen support of and commitment to the prevention of genocide, war crimes, crimes against humanity, and ethnic cleansing in Southeast Asia; and b) strengthen early warning and response capacities at the domestic and regional levels to prevent and respond to atrocities. The overarching goal of the workshops was to develop civil society action plans for their countries on atrocities prevention.

This publication follows the structure of the workshops, by first describing how RtoP and atrocity prevention have been implemented at the regional level in Southeast Asia. Next, specific country contexts and the national relevance of RtoP to each country are discussed, as are how RtoP relates to thematic agendas important to civil society in the region. Finally, a description is provided of the participants’ analysis of the strengths, weaknesses, opportunities, and threats facing their countries when it comes to atrocities prevention; as well as the participants’ civil society action plans for each country on this issue.

Please note that the discussions following presentations were under Chatham House rules. Where requested, some names of presenters have also been retracted.
RtoP and Atrocity Prevention in Southeast Asia

Each day of the three-day workshops was devoted to achieving these objectives through a series of expert-led trainings and interactive strategy sessions.

Dr. Noel Morada, APR2P Director for Regional Diplomacy and Capacity Building, and Dr. Sarah Teitt, APR2P Deputy Director, provided an overview and analysis of the progress and challenges of implementing the Responsibility to Protect (RtoP) in Southeast Asia in the November and December workshops, respectively. Specifically, their presentations highlighted the following about the landscape of the region: a variety of physical geographies (both maritime and mainland); cultural geographies (both religious and ethnic); and political systems (monarchies, parliamentary democracies, presidential democratic systems, etc.). Countries in Southeast Asia also experience a wide disparity in terms of quality of life and economic development. Despite such differences, however, RtoP is not incompatible with the norms and principles adopted by Association of Southeast Asian Nations (ASEAN). In fact, mainstreaming RtoP could bolster ASEAN’s goal of creating a “community of caring societies.” Several norms related to atrocity prevention and response are already embedded within ASEAN agreements and declarations, including those of human security and comprehensive security.

Notwithstanding the compatibility of RtoP with numerous ASEAN principles and norms, there are a number of challenges to its implementation, such as:

1) lack of public confidence in state institutions in many countries; 2) low level of trust in political leaders; 3) limited mechanisms for conflict prevention, peace-building, and dialogue; and 4) varying degrees of commitment to promoting values of human rights and tolerance. More importantly, the legitimacy of the state or government is contested in some Southeast Asian countries, especially those still facing armed rebellions. The implications of this include weak state institutions; persistence of corruption; low level of adherence to the rule of law, accountability, and transparency; and prevalence of culture of impunity.

Nevertheless, it is also important to recognize that there are several capacity-building opportunities on atrocity prevention at the regional level. ASEAN institutions or associated entities, notably the ASEAN Intergovernmental Commission on Human Rights (AICHR) or the ASEAN Institute for Peace and Reconciliation (AIPR), could contribute to atrocity prevention through the promotion of values; education, training and research; and strengthening co-ordination between the United Nations (UN) and ASEAN. As well, it is important for ASEAN to seriously consider working towards a Declaration or Convention on atrocity prevention, and engage in South-South Dialogue with other regions to exchange lessons learned in preventing and responding to atrocities especially in Latin America and Africa. Encouraging “RtoP champions” within ASEAN who are able to advocate the principle’s integration within ASEAN’s various pillars and mitigate opposition within the region, could also be beneficial.
National Contexts: Thailand, Cambodia, the Philippines, Indonesia, Malaysia, and Myanmar

On Day Two, representatives from Cambodia, Thailand, Indonesia, the Philippines, Malaysia and Myanmar were invited to make presentations on their respective national contexts and the challenges and opportunities for atrocities prevention in their respective countries. The following are the highlights of their presentations:

Cambodia

Ambassador Pou Sothirak, Executive Director of Cambodia Institute for Cooperation and Peace (CICP) and APR2P’s Cambodia program partner institution, in his presentation identified the steps made by Cambodia in confronting the atrocities committed under the Khmer Rouge. He also outlined the progress made in the current cases before the Extraordinary Chambers of the Courts of Cambodia (ECCC), noting that these judicial processes aim “to allow Cambodians to deal with its dark history and look forward to a more peaceful, stable and developed society in the future.”

Nevertheless, challenges in advancing atrocities prevention in Cambodia is the issue of security sector reform (SSR). Specifically, the high budget allocation for the military; abuse of power by security forces; the involvement of security forces in illegal activities, such as illegal logging, drug-trafficking, and human trafficking; and the persistence of the culture of impunity have caused Cambodians to lose confidence in the security sector. Even so, embarking on a serious SSR would allow the government to gain legitimacy in the eyes of the population and enhance good relations with its neighbors.

In her presentation, Dr. Prannee Thiparat (Chulalongkorn University and APR2P Thai country program coordinator) pointed out that, despite endorsing the 2005 World Summit Outcome Document and voicing occasional rhetorical support of the norm, Thailand has been a relatively inactive promoter and advocate of Responsibility to Protect (RtoP). Thailand’s “excuse” in this regard is that the government is perpetually preoccupied with internal political crises and does not see RtoP as currently relevant to its own national context. She then outlined the main efforts to promote RtoP in Thailand since the concept was introduced in 2001 in the Report of the International Commission on Intervention and State Sovereignty (ICISS). This includes: 1) the 2003 Roundtable on the “Intervention Dilemma: Thai Perspective” with Ramesh Thakur and Dr. Surin Pitsuwan, both of whom were involved in the ICISS report; and 2) a 2005 roundtable on how best to promote the norm in Thailand and Southeast Asia. In both meetings, however, there were some issues raised about the concept such as whether it is a western concept, its relevance to Thailand, and if R2P is humanitarian intervention in disguise.

Thailand, the Philippines, Indonesia, Malaysia, and Myanmar

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However, work to demonstrate the importance of RtoP has continued in Thailand, including through the translation of the ICISS report into Thai; the 2008 launch of APR2P; an international R2P conference in 2012 co-organized with the APR2P on “Regional Capacity to Protect, Prevent, and Respond”; and the “Southeast Asia-Africa Dialogue on Regionalism and Human Protection” and the High Level Advisory Panel (HLAP) Report Public Seminar on Mainstreaming Responsibility to Protect, both of which were co-organized with APR2P in October 2014.

On the way forward, Dr. Thiparat recommended continued attention on incorporating RtoP into secondary and university curriculum. She further underscored the need to promote public awareness of RtoP among Thais through more educational tools and local workshops or training programs. A possible strategy in this regard is to place an emphasis on Thais’ individual responsibilities to protect populations from atrocities, in addition to that of the government.

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Indonesia

In his presentation, Mr. Rafendi Djamin, Executive Director of HRW-Indonesia (APR2P’s partner institution in Jakarta) and the Indonesian Representative for the ASEAN Intergovernmental Commission on Human Rights (AICHR), described Indonesia’s official position on RtoP as formally stated in the UN General Assembly. At the 2009 UN General Assembly (UNGA) dialogue on RtoP, it confirmed that it was in agreement with the three pillars of the norm. It reaffirmed this position in the 2014 UNGA dialogue on RtoP and reassured other Member States that it was committed to actively participating and deliberating on the norm’s implementation. Indonesia further highlighted the need to strengthen capacity of member states to fulfill their primary responsibilities, and the critical need for Pillar II assistance from the international community in this regard.

As far as Indonesia’s internal susceptibility to conflicts, Mr. Djamin noted that the Institut Titian Perdamaian had documented 4,021 incidents of violence in the period 2008-2010. Such conflicts are wide ranging and can be classified into religious/ethnic conflicts; political conflicts, including election related violence; natural resource and economic conflicts; routine violence; and conflicts among elements of the security sector.

In addition to passing relevant laws and ratifying international treaties, Indonesia has established several domestic institutions that could help it mitigate risks of atrocities. In 1993, it established Komnas Ham (the National Commission on Human Rights); and in 1998 Komnas Perempuan (National Commission on Violence Against Women). It also adopted a National Human Rights Action Plan and created a Human Rights Court and a Victims and Witness Protection Commission. Furthermore, Indonesia enjoys a vibrant civil society working on the promotion of human rights protection and democracy.

Nevertheless, Mr. Djamin acknowledged that Indonesia faced several challenges with regard to upholding RtoP; chief among them is the culture of impunity that stems from the gross violations of human rights perpetrated during the 1965 massacre; crimes against humanity in Papua; and enforced disappearances since 1998. Indonesia has not fully implemented the necessary security sector reforms, while corruption runs rampant among law enforcement officials. Finally, Indonesia has yet to fully adopt a human rights framework as part of a strategy or approach in managing internal conflicts.

The Philippines

In her presentation, Dr. Lourdes Veneracion Rallonza (Ateneo University and APR2P Philippine program coordinator) described the nature of conflicts in the Philippines. Specifically, the country suffers from both vertical (or protected) armed conflicts against the state (e.g., the Moro struggle and the communist insurgency can be classified) and horizontal conflicts (e.g., clan and tribal). The rise of criminality in the Philippines can be attributed to the complexity and intersection of these two types of conflicts. The negative impact of these conflicts is nowhere more evident than in Mindanao. For example, approximately US$116 million in humanitarian assistance was spent in the aftermath of the 2013 Zamboanga siege by a faction of the Moro National Liberation Front (MNLF). Accordingly, a startling 11 out of the 14 risk
Malaysia

The presentation on Malaysia began by describing how the passing of laws such as the National Security Council (NSC) bill—which affords the government the ability to declare “security zones” within which authorities would have wide powers of arrest, search and seizure without a warrant—opens the door for the passing of more draconian legislation, ultimately endangering the rule of law and the rights and well-being of people in Malaysia. The spirit behind the NSC could become infectious and accelerate the passing of equally oppressive laws.

The presenter further noted that the national budget for security and stability receives significantly more budgetary allocation than the country’s human rights commission, Suhamak. It was pointed out that these severe cuts to Suhamak’s budget occurred as the commission is arguably more needed than ever, with recent human rights violations in Malaysia—for example, asylum seekers in the country are subject to harsh crimes, including murder, while police are reported to abduct local children and extort their parents for ransom. Nonetheless, the presenter noted that civil society advocacy provides a key entry point for change in Malaysia. One needs only to look at the recent “boat people” crisis, in which civil society pressure helped push the navy to lift the blockade intended to prevent boats of impoverished Bangladeshis and Rohingyas from landing in Malaysia. One needs only to look at the recent “boat people” crisis, in which civil society pressure helped push the navy to lift the blockade intended to prevent boats of impoverished Bangladeshis and Rohingyas from landing in Malaysia. One needs only to look at the recent “boat people” crisis, in which civil society pressure helped push the navy to lift the blockade intended to prevent boats of impoverished Bangladeshis and Rohingyas from landing in Malaysia.

During the discussion, one participant noted that there seemed to be a large gap in the strong, commendable rhetoric used by Malaysia at the United Nations and its actions at the domestic level. In response, another participant noted that civil society and others could use Malaysia’s commitment to principles at the UN (particularly those announced during its campaign for a seat on the Security Council) as an entry point to hold Malaysian authorities accountable to their protection and prevention responsibilities. Another participant proposed engaging the private sector as another potential entry point to deepening atrocities prevention in Malaysia, pointing to Australia’s engagement with businesses/corporations on ending violence against women as a potential model in this regard.

During the discussion on Myanmar, participants questioned whether there was a so-called “threshold” issue with whether RtoP is applicable to the current situation, as many actors still deny the occurrence and seriousness of the ongoing atrocities occurring in the country. Additionally, there is no current consensus on whether the grave crimes committed against populations in Kachin and Northern Shan states qualify as atrocity crimes. They further questioned how the prevention aspect of the norm could be relevant to Myanmar’s situation, given that atrocities are already underway. The co-sponsors noted that RtoP applies all the time, everywhere, and that there would never be a situation where a state does not have a responsibility to protect its populations from atrocities. Though atrocities are currently being perpetuated in Myanmar, there is still a widely acknowledged risk that Myanmar possesses several structural conditions that could escalate the violence even further. Preventive measures could thus still be considered as a core aspect of any timely and decisive response to the situation.

Participants and presenters further discussed what the recent election in Myanmar would mean for atrocity prevention and response. Despite the excitement around the recent parliamentary victory of Aung San Suu Kyi’s party, the National League for Democracy (NLD), the election itself was still quite exclusionary, with several parties agreeing with the government’s position that the Rohingya do not constitute a Burmese ethnic group. The election was reportedly held within the context of the post-2015 development agenda. However, despite these encouraging signs, Dr. Veneracion-Rallowza noted that the Philippines needs to go beyond its ‘politics of rhetoric’—i.e. filling the gap between its official pronouncements on the norm and its actions. She stated that there is still a pervasive lack of knowledge and understanding of RtoP and atrocity prevention in the Philippines. This can be partly attributed to the lack of normative champions within the state. Furthermore, the Philippines has yet to fully acknowledge and respond to past atrocities, notably those committed during Martial Law in Cordillera and Muslim Mindanao. Confronting crimes committed against such communities will require healing, reconciliation, and other transitional justice tools: i.e. filling the current “care deficit” in the Philippines.

What does the landslide victory of the NLD mean for atrocity prevention in Myanmar?
**Mainstreaming atrocities prevention into other agendas**

The next session focused on how RtoP relates to the thematic work of civil society groups in attendance. Panelists discussed how RtoP related to the agendas of justice and reconciliation; women, peace and security; and internally displaced persons.

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**Thematic Sessions in Bangkok**

Dy Khamboly of the Sleuk Rith Institute, when speaking on genocide education, remarked that “education is not only related to RtoP; it is a part of RtoP.” As atrocity crimes are not spontaneous and are the result of a process, education can be considered an important preventive measure under the norm. In Cambodia, he noted three main stages of the development of genocide education: stage 1 (1979-1993) was politicized genocide education; stage 2 (1993-2004) was marginalized genocide education; stage 3 (2004-Present) is institutionalized genocide education.

Each stage had its own objectives, which are important to understand: the aim of politicized genocide education was to recreate socialism in Cambodia; to build Vietnamese-Cambodian solidarity; to condemn Chinese expansionism; and to celebrate liberation and prevent the return of the Khmer Rouge in 1979. As the Khmer Rouge was still active on Cambodia’s borders in the 1990s, the objective of marginalized genocide education was to silence discussion of the Khmer Rouge education so that the government could court Khmer Rouge defections. The final stage, institutionalized genocide education, was achieved through performing teacher trainings, distributing books, installing educational memorials, etc. Education was also provided to the government could court Khmer Rouge defections. The final stage, institutionalized genocide education, was achieved through performing teacher trainings, distributing books, installing educational memorials, etc. Education was also provided to the government could court Khmer Rouge defections.

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**Thematic Sessions in Jakarta**

In a presentation given at both the Jakarta and Kuala Lumpur workshops, Amielle del Rosario of the Coalition for the International Criminal Court (ICC) began by describing the linkages between RtoP and justice and reconciliation, noting that RtoP helps elaborate international justice into something that goes beyond the strict focus of the ICC. A chief challenge with gaining regional acceptance for both RtoP and justice for international crimes, Ms. del Rosario noted, is the prevalent belief that “atrocity crimes don’t happen in Asia.” However, a key entry point to strengthening a society’s resilience to atrocity crimes security sector, which was very active in the Khmer Rouge regime, and has held inter-generational dialogue in public education forums. Activists didn’t always use the term “genocide education” but rather framed it as a way of learning about Khmer Rouge history. Such an approach could serve useful in embedding atrocities prevention in other countries, where governments are often averse to hearing the word “genocide” or “RtoP.”

Pou Sovachana of CICP then presented on “Human Security and the Land Crisis in Cambodia introduced the concept of human security, which is based on fundamental principles of freedom from fear and freedom from want. It argues for a shift from a state-centric view of security to one that focuses on individual security. Human security and RtoP, then, are both about shifting the focal point of security from one of ‘territory’ to the ‘people.’ Both embrace the values of protection, inclusivity, and empowerment, and involve multiple stakeholders. The two concepts are thus both frameworks that can be used to address certain issues, such as land grabbing, which can have devastating effects on populations.

Land grabbing, an enormous issue in Cambodia affecting 770,000 people, are acquisitions or concessions that are in violation of human rights, particularly the equal rights of women; not based on free, prior and informed consent of the affected land-users; not based on a thorough assessment, or are in disregard of social, economic, and environmental impacts; and not based on transparent contracts that specify clear and binding commitments about activities. Despite clauses in Cambodia’s constitution protecting ownership and a Land Law in 2001, a government report estimates that almost 2 million hectares of land were granted to 230 companies, often for rubber and sugar plantations (civil society places the estimate closer to 4 million hectares, which covers 22% of Cambodia’s surface area.)

Victims can be classified in two main groups: the rural poor who have been displaced or transferred from land groups; and those who have been targeted for legally challenging the ruling elite’s power structure. Because of the sheer quantity of land grabbing occurring in Cambodia, and the assortment of violations of human rights associated with land grabs, these events could serve as an early warning sign of graver human rights abuses. As Ms. Sovachana noted, “Possessing land and using it to live, produce something of value or as security is central to the human condition…land, food, and livelihood security are linked.” By acting on this serious issue, the government of Cambodia could therefore help uphold its Pillar One responsibilities of RtoP.
in Southeast Asia could be to emphasize how accountability can be a preventative tool; thus combating this perception. As impunity serves as a chief early warning indicator for future crimes, accountability falls both on the response spectrum to atrocities as well as on the prevention spectrum.

Dr. Louie Veneracion Rallonza then discussed how the two agendas of RtoP and Women, Peace and Security (WPS) relate. Atrocity crimes affect women and girls differently—and they are often the chief victims of such crimes—but women are also agents of change. They should not solely be viewed as victims or perpetrators of atrocities, but as actors who must be involved in the implementation and advancement of RtoP. Dr. Veneracion Rallonza had several suggestions on how to strengthen the linkages between these two mutually-reinforcing agendas. As there are many more organizations working on WPS than RtoP, RtoP advocates should look at incorporating the norm into existing policy frameworks, particularly National Action Plans on WPS. She also suggested formalizing a WPS and mass atrocity prevention “think hub,” which conduct research (for example, on the question of whether rape was used as a weapon of war); perform early warning/risk assessments and trainings; and engage in public advocacy and student coalition-building. A dual strategy that encompasses a “bottom-up” approach—i.e. by engaging with civil society—and a “top-down” approach that engages with relevant national and local institutions could be beneficial.

Next, Analisa Ugay of the Balay Rehabilitation Centre described RtoP’s relationship with the pressing problem of internally displaced persons (IDPs). She noted that the phrase “responsibility to protect” is completely unheard of amongst IDPs in the Philippines, and that the norm as a conceptual framework does not have much of an impact for their realities on the ground. This is not to say that the norm is not relevant to IDPs—they are of course among those the most affected by atrocity crimes—but IDPs need to be empowered to advocate for state authorities to uphold their RtoP. Such empowerment is already being done—for example, Balay Rehabilitation Centre is building capacity for IDPs to be active stakeholders in their own protection, by holding interfaith dialogues and trainings on human rights and international humanitarian law. In regards to RtoP, similar capacity building could come in the form of education on RtoP as well as trainings on the mechanisms of the state and how to hold authorities accountable. Whatever the strategy used, Ms. Ugay stressed that IDPs must always be part of the RtoP discourse, whether at the international, regional, or local level.

**Thematic Sessions in Kuala Lumpur**

A group of women from the civil society organization, ALTSEAN-Burma, presented on the importance of raising awareness as a preventative tool against the onset of violence, particularly on the community and grassroots levels. In many conflict-affected areas in Myanmar, influential individuals, such as religious leaders affiliated with the Ma Ba Tha, are heavily involved in politics, with some promulgating anti-Muslim hate speech. Through their media campaign, “Religion Shouldn’t Affect the Vote,” associates of ALTSEAN-Burma sought to empower and reinforce the voices of groups that are considered politically moderate in different townships in Myanmar, by increasing the confidence of these groups to vote independently, irrespective of what powerful political leaders, such as the Ma Ba Tha, call for. As Myanmar moves forward, encouraging the notion of individuals as rights-bearers in all spheres is key to fostering more democratic and inclusive societies, ALTSEAN-Burma stated. Policies of persecution and rampant impunity go hand in hand with the high risk of atrocities taking place, thus, ALTSEAN-Burma reiterated the importance of reaching out to all the groups and communities in Myanmar, as they in turn will be those who will vote for and call for their right to be protected, from their leaders.

Han Gyi from ND-Burma spoke about the role of human rights documentation as a means to promoting processes of truth and reconciliation, which could help move Myanmar out of the legacy of mass atrocities. Much of the recent rhetoric surrounding Myanmar discusses the significance of political and social transitions, but if the culture of impunity continues to pervade, reforms will ultimately be meaningless. Han Gyi shared the challenges of documentation in situations in ongoing conflict; absent institutions that uphold the rule of law and with legal instruments that effectively grant the military impunity for human rights violations, documentation provides the opportunity to develop a historical record which could not only serve as indicators for the occurrence of mass atrocities, but in the future, also contribute to a transitional justice process.

**Risk Factors and Early Warning for Atrocities Prevention and Response**

Ms. Claudia Diaz, representing the UN Office for the Prevention of Genocide and the Responsibility to Protect, provided an introduction to the UN Framework of Analysis for Atrocity Crimes.

Specifically, she provided an overview of the various legal obligations of states in atrocity prevention, including the Genocide Convention (Art. 1), the Geneva Conventions (Art. 1), international human rights law, and customary international law. Accordingly, all states should invest in preventive measures as no society is immune to atrocity crimes. Preventive measures are needed at all times—whether it is during stable situations, emerging crises, or conflict situations.

The UN Framework of Analysis can be used as a preventive and early warning tool for the qualitative assessment of the risk of atrocity crimes. It contains two analytical tools: 1) a list of risk factors (conditions that increase the risk of or susceptibility to negative outcomes, can be either structural or dynamic); and 2) a list of indicators (different manifestations of risk factors which assist in determining the degree to which an individual risk factor is present.)

The Framework further groups indicators into two types: those that are common, which identify the probability of atrocity crimes overall, without identifying the type of crimes; as well as those that are specific to genocide, war crimes, and crimes against humanity. The presence of risk factors does not necessarily imply that an atrocity crime is inevitable. However, genocide, war crimes, or crimes against humanity rarely occur in the complete absence of such risk factors. Thus, early identification of such risk factors means greater opportunities for early prevention.

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**UN FRAMEWORK OF ANALYSIS FOR ATROCITY CRIMES**

The UN Framework of Analysis for Atrocity Crimes is a new working tool for the assessment of the risk of atrocity crimes. It includes:

1) A list of risk factors
   - Conditions that increase the risk of or susceptibility to negative outcomes, can be either structural or dynamic.

2) A list of indicators
   - Different manifestations of risk factors which assist in determining the degree to which an individual risk factor is present.
Preventing atrocities: Identifying and managing risk factors

Participants then broke out into groups based on their country or origin to identify the strengths and weaknesses facing their country when it comes to preventing or responding to atrocity crimes.

They also used the Framework of Analysis to identify the risks to populations and potential opportunities for addressing such issues. The analysis then served as the basis for the strategy sessions during Day 3, during which participants developed draft national action plans for RtoP.

During the workshop, participants broke out into their respective country groups to identify the strengths and weaknesses of their state and society in preventing and/or responding to atrocity crimes. They were asked to use the UN Framework of Analysis to identify the risks to populations and potential opportunities for addressing such issues. The analysis then served as the basis for the subsequent strategy sessions during which participants developed recommendations for their respective national action plans in implementing RtoP.

Cambodia

The Cambodia group outlined five main and immediate risks present in Cambodia: 1) Natural resource conflicts, such as land-grabbing, deforestation, illegal logging, mining; 2) an uneven rule of law; 3) uneven economic distribution and a lack of social justice; 4) corruption; and 5) poverty.

The Cambodians then identified the priority areas that, while not posing an imminent concern, could nonetheless lead to future risks for atrocities if not addressed in the long-term. These include the following: 1) political inequality; 2) gender inequality; 3) a lack of good governance; and 4) centralization of state power. With regard to state capacity, they identified the areas of weakness facing their government when reflecting on its ability to prevent and/or respond to atrocity crimes, which include limited public service delivery, poor law enforcement, weak institutions, a lack of separation of power, and a lack of effective human rights protections.

Notwithstanding the above, the Cambodians found significant strengths and opportunities to further atrocities prevention in their country. These include: 1) the peaceful and stable public order, in no small part thanks to the end of the Khmer Rouge regime; 2) a strong economic growth rate of 7% per year; 3) strong respect for the freedom of religion; 4) Cambodia’s participation in regional and international forums, such as ASEAN and the World Trade Organization; and 5) Cambodia’s commitment to reform in areas such as decentralization and good governance.

In order to manage the risks and capitalize on the above opportunities, the Cambodians noted additional opportunities to enhance their country’s ability to prevent and respond to atrocities. For example, Cambodia could consider ratifying and implementing international legal frameworks, including the Cluster Munitions Treaty. Given its strong experience in genocide education, it could contribute to enhancing public awareness of RtoP, including among the media and at the grassroots level. Furthermore, given the high number of Buddhists in Cambodia, the country could use the religion and its teachings to promote peace and suppress violence. Finally, a culture of dialogue could be embedded among different groups, including across genders and political parties.

Thailand

Thai participants identified corruption (which has helped perpetuate poverty and economic disparity) as one of the major and immediate risks facing Thailand. Other risks include the present lack of democratic governance and the political culture of banning criticisms of the government or seizure of resources; 3) terrorism; 4) impunity for past crimes; 5) weak rule of law characterized by a selective justice system; 6) a political oligarchy; 7) corruption; 8) land grabbing; and 9) increase in persecution of human rights defenders. These risk factors contribute to a number of weaknesses facing Indonesia, which includes the growing number of internally displaced persons and refugees and which have been exacerbated by the absence of mechanisms, laws, or procedures to deal with the migrant flows within and into the country. Other threats emanated from business interests of the state and private sector, who are responsible for deforestation or state-sponsored land reclamation. They were also considered extremely divisive political issues.

Indonesia

Indonesian participants identified several risk factors present in their country, including: 1) religious intolerance; 2) increasing military interests in the protection or seizure of resources; 3) terrorism; 4) impunity for past crimes; 5) weak rule of law characterized by a selective justice system; 6) a political oligarchy; 7) corruption; 8) land grabbing; and 9) increase in persecution of human rights defenders. These risk factors contribute to a number of weaknesses facing Indonesia, which includes the growing number of internally displaced persons and refugees and which have been exacerbated by the absence of mechanisms, laws, or procedures to deal with the migrant flows within and into the country. Other threats emanated from business interests of the state and private sector, who are responsible for deforestation or state-sponsored land reclamation.
grabbing. They both fail to respect indigenous culture and indigenous rights to territory. Furthermore, there has been a systematic weakening of independent bodies—including the National Police Commission, the Corruption Eradication Commission, and the National Commission on Human Rights. Weaknesses, meanwhile, include: 1) incoherent and discriminatory policies; 2) a lack of vision and leadership in the international arena; 3) rampant corruption; 4) weak law enforcement; 5) deep inequality among provinces; and 6) non-implementation of the National Action Plan on Human Rights. The bureaucratic procedures in government also contribute to the above weaknesses.

Nevertheless, Indonesia has several strengths that can enhance its capacity for atrocity prevention. This includes a number of progressive government officials and several institutional grievance mechanisms in place, such as the Ombudsman, the National Commission on Human Rights, and the National Commission on Violence against Women. There is also popular support for procedural democratic system of governance, an active civil society, and has one of the highest degrees of press freedom in Southeast Asia. These strengths contribute to a number of opportunities for atrocities prevention in Indonesia. For example, the ‘Nawa Cita’, or President Widodo’s nine-priority agenda, contains elements on human rights protection and respect for the rule of law. The President has further indicated his commitment to deal with past abuses of human rights by establishing a truth and reconciliation mechanism. Indeed, such willingness to discuss past abuses has been supported by the general public and other govern- ment officials. For instance, Indonesia now has several progressive and popular local mayors dedicated to advancing human rights protection. As well, decentralization has helped create some openings for possible human rights-friendly policies, with several localities recognizing the value of respect for human rights. Finally, the recent People’s Tribunal for Human Rights in The Hague, a symbolic court investigating and prosecuting the massacres of the 1960s, is helping to establish a historical record and to collect evidence against the perpetrators of atrocities. Such a process can prevent the likelihood of such crimes recurring in the future.

“Indonesia has several strengths and can enhance its capacity for atrocity prevention.”

The Philippines

The Philippine participants identified five risk factors currently present in their country, noting that these factors are interrelated, to wit: 1) bad governance, as politics in the Philippines is driven mainly by elites; 2) armed conflict (ex. the 2009 Maguindanao massacre, which was also an election-related violence); 3) increase in crime rate and transnational crime, such as human trafficking and drug trafficking; 4) a culture of impunity; and 5) discrimination against minorities and lack of respect for their ancestral domain, which are often linked to mining issues. The last problem is also linked to the non-passage of the Bangsamoro Basic Law (BBL) and lack of progress in the Cordillera autonomy initiative. To some extent, these factors have desensitized the majority of Filipinos to violence, including violence against IDPs and women.

Among the potential future risks emerging in the Philippines include: 1) external security threats, such as possible strengthening of ties between foreign extremist groups and their local supporters; 2) geopolitics and territorial disputes, such as those in the West Philippine Sea and South China Sea; and resource based conflicts including mining and large scale plantations.

Related weaknesses include: 1) non-implementation of commitment to RtoP and apparent lack of interest inappointing a national focal point; 2) weak coordination among government institutions that contribute to inconsistencies in policy; and 3) persistence of military influence in government bureaucracy and its policies.

However, several strengths and opportunities also characterize the state atrocities prevention in the Philippines. The government is open to engagement, including with women, civil society, and several armed groups in the peace process. Furthermore, it has many formal institutional mechanisms and instruments that are consistent with rhetorical commitment to several issues, including the primacy of the peace process, and the importance of women’s rights, inter-faith dialogue, and the fight against corruption. The Philippines also has several potential normative champions within the country. Several opportunities that RtoP advocates in the Philippines can seize upon include emerging individuals and civil society groups who are knowledgeable about RtoP and can engage in its normative discourse. These RtoP champions can engage the broader civil society in the Philippines to encourage them to embed the norm in their own advocacies. They could also engage and work with potential champions within the government who are willing to advance the norm and engage with civil society. There may also be room to mainstream and operationalize RtoP within existing national action plans, including Women, Peace and Security.

Malaysia

Malaysian participants identified major strengths possessed by their country, the first being that the military does not intrude into political and business matters. Secondly, Malaysia has ratified three major international human rights instruments (the Genocide Convention, the Convention on the Elimination of All Forms of Discrimination and Violence against Women (CEDAW), and the Convention on the Rights of Persons with Disabilities). Malaysia also enjoys relative political stability and has had peace since 1969. Finally, the country is rich in natural resources. Nevertheless, Malaysia suffers from several weaknesses, including endemic corruption at all levels in both the public and private sector. Nor is there a strong commitment to human rights. Institutions—including the police and judiciary—continue to weaken, as they lack independence and are constantly trying to please the executive.

These weaknesses play off the potential long-term threats of atrocities identified by the Malaysian participants, including the fact that fighting within and between political parties in Malaysia is often race-based. Another potential threat is the recent economic downturn and the growth of unemployment and the cost of living. Such factors could have the double danger of increasing both dissatisfaction with the government and hostility towards asylum seekers.

Nevertheless, the participants discussed several opportunities for Malaysia in enhancing its ability to prevent and respond to atrocities. Since government-linked companies own 54% of the Malaysian stock market index, with the requisite political will, reforms to promote atrocity prevention within the private sector could be implemented effectively. The recent activism surge among individuals and civil society after the passing of the security bill in December 2015 demonstrates an increased willingness of Malaysians to become engaged in advocating for change. Furthermore, a growing number of NGOs are speaking out on the need for a non-race based, inclusive politics. Finally, the Malaysian government has shown its eagerness to “look good” on the international level, opening up space for civil society and others to pressure the government to sign and ratify more international human rights instruments.

The Myanmar participants noted several key strengths present in the country. At least nominally under the Constitution, equal rights are granted to all people in all sectors. Secondly, Myanmar has
ratified several key international human rights instruments, including CEDAW, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights. The military wing of the government has also shown willingness to undergo a national reform process and national reconciliation by agreeing to accept the November 2015 election results. Furthermore, it has paved the way for a ceasefire with ethnic armed groups, while developing a framework for political dialogue.

Participants then moved on to discuss the key threats and weaknesses facing their country, and started by noting that 5 risk factors outlined in the UN Framework of Analysis (1, 3, 10, 12, and 14) posed an immediate threat of atrocities in Myanmar.

One overarching weakness is the constitutional provision endowing the military with an outsized influence in the legislature (for whom 25% of parliamentary seats are reserved). Furthermore, more than 75% of parliamentary members need to approve any amendments to the Constitution, meaning that a unified military bloc could hinder any needed changes. Threats include the Ma Ba Tha, a hardline Buddhist movement that wields significant political influence and has supported the drafting of discriminatory laws against Muslims. Participants suggested that the military, should it wish to attempt to gain back power from the NLD, could use the Ma Ba Tha to further politicize religion and gain popularity. Such a possibility is linked to other threats and challenges facing the new, NLD-led government, who will have to contend with institutions’ (particularly economic) lack of independence from the military, as well as an increasing foreign influence on Myanmar’s internal politics. Additionally, the government has refused to sign other important domestic and international laws, notably the Convention Against Torture, the Legal Aid Law, and the International Covenant on Civil and Political Rights.

Furthermore, though the government initiated the Nationwide Ceasefire Agreement (NCA) with eight armed groups, several other key armed movements were excluded from the accord due to ideological differences. Furthermore, there are questions about the government’s commitment to peace—on the very day the NCA was signed, the military reportedly bombarded Shan State while continuing its fight in Kachin State.

Economic investments have increased in conflict-ridden areas of Myanmar, another major threat to the country, as the construction of roads, oil and gas facilities, and hydropower dams all have the potential to exacerbate tensions. For example, displacement could increase if there is an economic incentive “to get rid of people.”

The conflict in Rakhine State presents serious threats to stability on the national, regional, and even global level. The issue in Rakhine State is not just one of a humanitarian crisis or displacement of the Rohingya—rather, systematic discrimination is linked to increased risk of genocide. The conflict has an impact on all areas of life—for example, more than 60,000 Rohingya children living in camps have been unable to attend school. Nor is there any sign of resolution of the crisis, even with the NLD in power. Problems in Rakhine have, and will continue to have, a regional impact due to the refugee outflow. Furthermore, there could be those, such as the Islamic State, who would want to see Myanmar’s Muslims become radicalized. Even if the Rohingya never wind up subscribing to extremist ideology, the government could still use an alleged terrorist link to justify states of emergencies and enhanced martial law, which would only serve to further isolate the population.

According to some participants, the above threats demonstrate a fundamental misconception both within and outside Myanmar—which is that the country’s problems could be solved through democracy. Any progress achieved under democracy will continue to be hampered by the failure to address the root causes of the country’s problems, which remain the denial of identities and rights across ethnic communities and states.

However, opportunities do exist within Myanmar for responding to the ongoing atrocities—and preventing future crimes. Several UN institutions and international NGOs have a presence in the country and region. The international community also has an opportunity to creatively engage with the new NLD government on how it can uphold its RtoP, through encouraging it to sign international human rights legislation; increase the space for NGOs to enhance media freedom and government monitoring; encourage decentralization; and improve ethnic, religious, and minority rights.

The Cambodian participants came up with several action points for their plan, the first being to hold a national, multi-stakeholder dialogue on atrocities prevention, which would help propel the government to declare atrocities prevention as a priority. They hoped to hold such a dialogue, which would include government officials, parliamentarians, and civil society, within the first half of 2016. Participants planned for such an open invitation and awareness-raising materials to partners to discuss possible topics before developing a concrete agenda, which could help generate interest and buy-in to the dialogue.

A second objective outlined was to further institutionalize the Cambodian National Human Rights Committee by imbuing the body with a “legal personality” through an act of Parliament. After holding public hearings and consultations with relevant stakeholders on this matter, the Cambodian participants aimed to have Parliamentarians propose a draft law by the end of 2016. Civic society could invest in advocacy in this regard to ensure that Parliament has the requisite political will to do so. The Cambodian participants noted that there were several openings in Parliament through which they could pursue such advocacy, such as the mixed committees on human rights, legal affairs, and foreign affairs.

The third major recommendation was to create, within one year, a national, homegrown institution to monitor risks of atrocity crimes specific to Cambodia. The institute, which would be situated within the government, would be tasked with the following: 1) gathering and processing information on risk factors; 2) assessing and providing early warning if necessary on such risks; and 3) providing policy recommendations on how to respond to address such threats. However, they acknowledged that such an institute would require proper financial and technical support, as well as proper training for the government, staff, and other stakeholders on atrocity prevention and RtoP.

Despite the current political constraints in Thailand that limit the opportunities for taking the Secretary-General’s recommendation to declare atrocity prevention a national priority, the Thai participants think that holding a national dialogue on atrocity prevention could be held in the country. A first step in this regard would be to identify which institution would host such a dialogue, with the Thai participants suggesting it be led by either one of the seven individuals who compose the National Human Rights Commission or an academic institution. The dialogue would be particularly important given the recent rise in hate speech in Thailand, particularly in the South. Though they wished to hold the dialogue within the next twelve months, they underscored the need to wait for the new Constitution to be adopted before the dialogue was held.

Secondly, there is a need to continue working for increasing awareness about RtoP at the national level. The Thai participants expressed their commitment to incorporating RtoP into their university curricula, in civil society advocacy materials, and in engaging the media. They noted that trainings on RtoP for civil society and others cannot be one-time events. If the norm is to be truly embedded in Thai society, such engagement should happen on a regular (perhaps yearly) basis.

Thirdly, the Thai participants viewed the agenda items of the Responsibility to Protect and Women, Peace and Security (WPS) as being closely related. In this

Developing Civil Society National Action Plans on Atrocities Prevention

On the last day of the workshop, participants were tasked to develop civil society recommendations towards a national action plan on atrocities prevention for their countries. The template for this exercise was based on the recommendations contained in the 2015 UN Secretary-General’s report on RtoP implementing the norm in the next decade.
regard, they would advocate for the government to adopt a national policy/action plan on WPS, as full and equal participation of women in society would help in operationalizing the RtoP norm in Thailand.

Indonesia

The first item on the Indonesian participants’ action plan recommendations was to finalize the Security Sector Reform (SSR) agenda. To achieve such a task, which they hoped to do within the next year, they planned on creating an “Indonesia without militarism” campaign and increasing civil society pressure on the government to establish a Truth and Reconciliation Commission. A second and related item on the Indonesian action plan was to build capacity and sensitization of law enforcement officials and civil society on human rights. This objective would help them address the roots of non-compliance with human rights norms, which they stated stem from the lack of a system of checks and balances in Indonesia. To achieve such a goal, civil society could advocate for the holding of regular human rights components in the training of law enforcement officials and propose the creation of a body for monitoring law enforcement to create rewards and punishment for officials’ behavior. Additionally, the Indonesian participants could raise awareness on RtoP and mass atrocity prevention among youth, students, NGOs, parliamentarians, media, and government officials, thereby creating additional individuals and groups who will hold the security sector to account.

The third goal of the Indonesian participants was to lobby the government to abolish all discriminatory policies and agendas. To do so, the participants would first identify which rules needed to be ‘deregulated,’ determine the barriers and challenges such a process would entail, and approach relevant stakeholders. Another strategy in this regard is to strengthen a network of media contacts and encourage the media to cover discriminatory issues, petition for a judicial review petition, or file a citizen lawsuit. In order to make progress within the next six months, the Indonesian participants planned to convene expert meetings on this issue, consult relevant government agencies and other stakeholders, and finally form an advocacy team.

The Indonesian participants also wished to create a legal framework for the protection of human rights defenders (HRDs). They would begin such a process by discussing and engaging with relevant stakeholders on such a bill, and then assist in the drafting process. At a later stage, they would coordinate civil society engagement to encourage the National Commission on Human Rights to finalize the draft of the bill.

A fifth and final objective on the Indonesian civil society recommendations for a national action plan was the appointment of a RtoP Focal Point and the creation of a cooperation framework or network for RtoP in the ASEAN region. A barrier in this regard would be addressing the low political interest on RtoP in Indonesia. However, participants were optimistic that they could address this challenge by identifying potential candidates for the Focal Point position and continuing to hold expert meetings on RtoP.

The Philippines

Philippine participants envisioned their recommendations for a national action plan on RtoP anchored on the norm as a lens, tool, or framework in conflict prevention within their country.

The first step in this regard would be to develop a core RtoP constituency within the Philippines. In order to do this, participants agreed that they would convene a core group of advocates, composed of the civil society participants in the room. Members of this group would in turn be responsible for using their networks to create a “Philippine RtoP Caucus.” The caucus will have several responsibilities throughout the course of 2016, including designating core “trainers” on RtoP and convening a national RtoP dialogue on the norm. Other roles for the caucus would be lobbying the government to appoint an RtoP Focal Point and raising awareness of the norm amongst the public, government officials, and other actors involved in conflict prevention. The upcoming Global Action against Mass Atrocity Crimes (GAAMAC), which will be held in the Philippines in February 2016, is a unique opportunity to build momentum within the government in this regard. Filipino participants noted that with such an abstract concept as RtoP, the challenge would be to “bring it down” and make it relevant at the community level. In this regard, the Filipino participants would work to clarify RtoP among their constituencies and organizations in order to create bottom-up support for the norm, including through developing curriculum and educational ‘primers’ on RtoP.

An additional activity of the RtoP Caucus would be to lobby for the creation of a governmental interagency group devoted to atrocity prevention. Participants suggested the following actors as initial members of such a group: the Department of Social Welfare and Development; the National Commission on Indigenous Peoples; the Office of the Presidential Adviser on the Peace Process; the Commission on Human Rights; the Department of the Interior and Local Government; the Armed Forces of the Philippines Peace Process Office; and the Philippine National Peace. An inter-agency group would help dispel the non-cooperative spirit among government agencies, a key weakness identified during the SWOT analysis.

Once the core group has prepared the groundwork, this will enable them to develop a proposed Plan of Action on atrocities prevention for the Philippine government. It will also allow RtoP advocates within the country to begin resource mobilization for atrocities prevention, which is a crucial element in embedding RtoP within the conflict prevention discourse in the Philippines.

Malaysia

During their planning session, the Malaysian participants saw a necessity to delve deeper into identifying domestic risk factors present in their country, before suggesting some potential ways forward for civil society. In order to fulfill its responsibility to Protect, Malaysia’s three ‘ills’ must first be addressed: instability, impunity, and incitement. These ills can be further broken down into structural risk factors, namely 1) race-based policies; 2) social and economic inequality; and 3) endemic corruption and impunity.

Race-based policies, according to the participants, is ingrained in Malaysia’s legal framework and policies. The Malaysians discussed several ways forward for civil society on this front, including a broad civil society campaign calling for “race-blind” perspectives and another calling on leadership to take responsibility for inciting the public. On the regional level, the Malaysians expressed interest in a region-wide civil society campaign to call on ASEAN members to ratify the Convention on the Elimination of All Forms of Racial Discrimination (CERD).

The Malaysians identified a potential entry point to address the second structural risk factor, social and economic equality. A possible goal could be to review or revise Malaysia’s National Economic Policy in a way that would benefit and

“Full and equal participation of women in society would help in operationalizing the RtoP norm in Thailand.”
build capacity of communities, perhaps through strengthening social safety nets. Finally, on the third risk factor—endemic corruption and impunity—the participants identified several long-term goals, including security sector reforms, notably of the Independent Police Complaints and Misconduct. Other goals included governance reforms to decentralize the concentration of power perhaps through increased consultation and participative action with civil society. Additionally, reforms would be needed on those laws, including the Sedition Act and the National Security Bill.

The group elaborated a comprehensive plan of action, with specific goals, targets and subsequent activities. The first action point was the need to share the RtoP concept and Framework of Analysis among their constituencies, which they estimated they could do within 3-6 months. A first step in this regard would be to identify other civil society organizations whose work is relevant to RtoP and pinpoint “focal” organizations to mobilize and coordinate various actors. A natural next step in this regard would be to conduct awareness raising and capacity building among these organizations within 6-12 months, which could be done on a peer to peer and community level basis. Participants noted that they would need RtoP materials translated to local languages in order for this step to be successful.

Once sufficient “buy-in” and support for RtoP is established, the Myanmar participants wished to create a coordinating/networking mechanism for interested civil society. Amongst themselves, they designated coordinators for different regions and states in Myanmar, as well as a focal point for the overall CSO forum. This “RtoP platform” would allow for regular discussion on the norm as well as the sharing of information. In the next phase of the plan, each coordinator and their respective sub-networks would monitor risk factors of atrocities in their regions and feed it into the RtoP platform’s database. In order to make such an objective feasible, however, the participants noted that they would need a technician, analyst, and the costs of mobilization and communications covered. With such resources, they estimated that they could have such a monitoring system in place within 6-12 months.

Myanmar participants felt that it was crucial for both journalists and individual citizens to also be trained on RtoP, which would have the double benefit of increasing awareness of RtoP and increasing the population’s ability to hold the government and other relevant actors accountable under the norm. To begin trainings within 6-12 months, as planned, the participants noted that they would need training materials, translated documents on RtoP, and technical experts. All of these steps will allow Myanmar participants to embark on more strategic advocacy and campaign plans to create stronger prevention and protection mechanisms. Based on the political context and success of the prior steps, the participants hoped that such strategies could include the local and national government authorities, members of Parliament and political parties, and international organizations and UN agencies.

Several academics in attendance noted that they would be willing to hold workshops for students on RtoP and to incorporate the norm into their curricula. Some even noted their interest to conduct research on the norm in their national contexts, provided that they received sufficient funding. Others involved in the media and communications field expressed their interest in writing articles or creating videos connecting the norm to their own history and current policy. Several participants again stressed the need for patience for RtoP to take hold in their countries, and urged for more frequent workshops, trainings, financial support, and informal engagement in the region in order to make RtoP truly sustainable.

Additionally, some participants emphasized the need for homegrown, bottom-up initiatives on the norm, warning that the norm could not become entrenched if it were imposed by external actors. Finally, participants noted that they would like more cross-country workshops such as this one, which allowed them to learn and make suggestions about each other’s country situations. Others noted that, over the course of the workshop, they learned that much of the work their organization was already doing was helping to implement RtoP, and that they would work to make the linkages more explicit in their advocacy and activities. As indicated in their national civil society action plans, several academics and practitioners in attendance reiterated their commitment to incorporating RtoP within their curriculums and training modules and to developing new materials to make RtoP relevant to the national contexts in Indonesia or Thailand. Some participants, particularly those from the media, noted their commitment to using the Framework of Analysis on Atrocity Crimes to assist their analyses of conflicts in the region. Several practitioners also expressed their appreciation for the Framework as an analytical tool, and stated that they would share the document with others in their networks.

Others strongly stressed the need for future workshops, conferences, and trainings in the region to include more people from the field and others affected by atrocity crimes. Some expressed a wish to compare country analyses, action plans, and progress with other states in the region, perhaps at a regional follow-up conference.
What is the Responsibility to Protect?

At the 2005 World Summit, governments made a historic commitment to prevent and halt genocide, crimes against humanity, war crimes and ethnic cleansing (often referred to as ‘mass atrocities’ or ‘atrocity crimes’) when they unanimously agreed to the Responsibility to Protect (RtoP, R2P). An emerging international norm, the Responsibility to Protect affirms that:

• The state holds the primary responsibility for protecting populations from the four crimes and violations;

• The international community is responsible for assisting states in building and strengthening their capacity to uphold their protection obligations;

• If a state is unable or unwilling to prevent atrocities, or is committing these crimes, then the international community must respond in a timely and decisive manner using a range of diplomatic, economic or humanitarian measures. Should these non-military tools be inadequate, then the international community may use force, if authorized by the United Nations (UN) Security Council in accordance with the UN Charter.

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ADVANCING ATROCITIES PREVENTION IN SOUTHEAST ASIA