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Introduction remarks for discussion on collaboration between ASEAN and the United Nations on R2P.

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I am incredibly grateful indeed to be joining you once again in this crucial discussion to explore ways in which the Responsibility to Protect can be rooted and flourished operationally in the ASEAN region. In these remarks to introduce the discussion of how ASEAN and the United Nations can collaborate in that objective, I will put on the table six main propositions. Because the uptake of R2P in ASEAN has been problematized in particular with respect to the mandate, activities, and accountabilities of AICHR, those propositions will speak particularly to AICHR. However, it will also be highlighted how this question unavoidably goes beyond AICHR and invokes the highest political levels of accountability of ASEAN and its Member States.

For my first proposition, **R2P has to be up taken, grounded and given operational expression first within ASEAN itself at both institutional regional level and in the countries of the Organization.** R2P was elaborated and adopted as a collective global concept and imperative. At the same time, its primordial national rooting was plainly underscored. The approach thus cannot be that R2P is or will be an external provenance to be implanted in the ASEAN country and regional spaces as an external international enterprise. **Reflecting the cornerstone of national sovereign responsibility within the scheme of R2P, the imperative of rooting and consolidating R2P in the ASEAN context is thus first and most fundamentally a national and regional imperative.**

What does this national and regional grounding mean? What does it mean in particular for AICHR if it is reckoned as the principal institutional primer for the grounding and flourishing of R2P at the regional level in ASEAN? This leads me to my second proposition which highlights two reinforcing maneuvers which it will be important to take place within AICHR simultaneously. **On one hand, drawing on the alignments which already exist within ASEAN's human rights normative framework, AICHR's core human rights (HR) mandate will have to be incrementalized, leveraged and maximized in every way possible to realize R2P outcomes. On the other hand, R2P**

nevertheless also has to be uptaken and given expression in concrete operational terms in its explicitly bespoke and intentional manner.

In other words, **I support a mutually HR/R2P reinforcing, rather than binary approach.** The four atrocity crimes to deter which the international community elaborated R2P start life as human rights transgressions – authoritarianism, identity-based discrimination, marginalization and trampling of political, religious, minority and other social, cultural, and economic rights and others. **For AICHR to be able meaningfully to step forward towards deterring these atrocities, its primary human rights mandate itself has to be upped in both its fundamental human rights character and, in that context, in the way in which the R2P lens and outcomes can be ingrained within that mandate and functionalities.**

For my third commendation, I echo that AICHR's HR mandate should be lensed and maximized as far as possible to realize R2P objectives and will be happy to explore further in the discussions what exactly this lensing would entail. Yet, as the same time, **R2P also has to be intentionally and purposefully taken up and advanced as a bespoke category.** This is not to be naïve about sensitivities, contentions or even outright rejections which accompany the R2P discourse, about it being a hidden conspiratorial project against the national sovereignty and internal affairs of countries. As was highlighted in the December 2022 dialogue, a commonly shared understanding of R2P would have to be grounded. If, as part of this project to cement a commonly recognized imperative, there are sincere questions, doubts and concerns, those questions should be welcomed and debated through openly and maturely.

Legitimate questions and concerns are however quite a different thing from the intention to invalidate or efface the R2P imperative. In this respect, **the fact that there are ASEAN member States that are forward-leaning towards upping and consolidating R2P within the region is a fantastic opportunity. For their conviction and determination to be realized, however, it will be critical for these States to maintain and even lead with ever more robustness this upscaling effort until all the ten Member States arrive at the same page.**

Coming to my fourth proposition, I contend that **the uptake and consolidation of both the HR and R2P projects in ASEAN will be successful not only by being focused uniquely on only AICHR and the HR and R2P domains, but if the political will and ownership of all of the Member States and the whole-of-ASEAN are engaged. So, even as the discourse for now starts with and is crucially driven from the AICHR setting, AICHR cannot and should not be left alone and opportunities and pathways have to be engineered with the larger Member State and ASEAN corpuses at the highest political levels.**

Fifthly, civil society is fundamental in all this both as a stakeholder and a vital player in advancing and crystallizing HR and R2P outcomes in the ASEAN space. I will not

attempt here to elaborate how this engagement can or should be facilitated which we can also come back to in the discussions. For now, I limit myself to highlighting the statement of principle and approach.

Finally, **what does all this entail in terms of the collaboration with the United Nations.** What does that collaboration entail? What are some of the key touch points? I will highlight the following three:

- To begin with, **on the ground in the ASEAN regional and national contexts, every advantage has to continue to be taken of the pertinent particular and overall collaborations between ASEAN and its Member States and the UN specifically on HR and related agendas.** Of particular importance in this respect, as highlighted by the 12th ASEAN-UN Summit which took place in Cambodia in November last year, is the UN-ASEAN Plan of Action. **An essential element of the work of taking R2P forward will thus also entail prodding the ways in which that framework and related agendas - Children, Youth, Gender, SDGs, Climate Change, Mediation, Peace and Security, refugees and forced migration – can be leveraged and maximized accordingly.**
- Then, as ASEAN would work to build and firm up its convergence on the respective R2P issues, **it can continue to count in every way on the partnership, collaboration and support of the Joint United Nations Office on Genocide Prevention and the Responsibility to Protect.** In particular on what? As just said in unpacking, building, and firming up a commonly – shared understanding of R2P and how unique national and regional characteristics can be considered in concretizing it operationally. And in institutionalizing and giving implementation to R2PR, including knowledge dissemination, risk analysis, early warning, prevention and other lines of action of course, capacity building and other fronts.
- Thirdly, **I would like most strongly to urge the ASEAN Member States and ASEAN institutionally speaking to up their participation in the settings/dialogues in which R2P is played out globally in either its form or in its outcome/secondary nature.** Of particular importance in this regard are: (i) The General Assembly Annual debate of the Secretary-General’s report on R2P; (ii) The Group of Member States Friends of the Responsibility to Protect in both New York and Geneva; (iii) the Human Rights Council and its thematic and situation specific agendas; and (iv) other related or aligned agendas: the Common Agenda; CAAC; WPS; YPS; SGDs etc.

I recognize that each of my reckonings above give rise to a corollary set of particular or broad questions that would require further elaboration and discussion. I will welcome in the discussions that will follow this introduction for these questions to be brought into that discussion and, indeed, as we continue forward in the project.

I thank you very much to listening to me.