



**ENFORCING THE RESPONSIBILITY TO PROTECT: THE ROLE OF PARLIAMENT IN
SAFEGUARDING CIVILIANS' LIVES**

***Preliminary draft resolution submitted by the co-Rapporteurs
Mr. L. Ramatlakane (South Africa) and Mr. S. Janquin (France)***

The 128th Assembly of the Inter-Parliamentary Union,

- (1) *Acknowledging* that following several global initiatives, the responsibility to protect was recognized as a necessary and important principle to combat gross mass atrocities such as genocide, ethnic cleansing, war crimes and crimes against humanity at the 2005 World Summit,
- (2) *Recalling* that this principle was established with a view to preventing genocides such as those that occurred in Srebrenica and Rwanda,
- (3) *Also recalling* that the principle of the responsibility to protect was reaffirmed by the UN Security Council, which considers that these crimes constitute a threat to international peace and security in resolution 1674 and resolutions 1970 and 1973 dealing with the situation in Libya,
- (4) *Mindful* of the fact that the responsibility to protect is based on three pillars: the permanent responsibility that falls to States to protect their people; the international community's commitment to assist States in fulfilling this obligation; and its commitment to carry out timely collective and resolute action when the national State authorities clearly do not protect its people,
- (5) *Underscoring* the importance of combating impunity in the case of perpetrators of the most serious crimes and *recognizing* the contribution in this field of the International Criminal Court,
- (6) *Convinced* that the United Nations has a responsibility to intervene through the Security Council in accordance with the Charter of the United Nations, in particular Chapter VII, by cooperating where necessary with the competent regional organizations in cases of mass atrocity which the national authorities will not or cannot prevent,
- (7) *Aware* of the perception of selective enforcement of the responsibility to protect and *noting* the many contributions of various States,
- (8) *Mindful* of the fact that prevention is better than cure and that before any military intervention is decided, the international community should take into due consideration all avenues for a peaceful settlement of disputes as national sovereignty must be respected and the responsibility to protect should be invoked as justification for such intervention only in exceptional circumstances of blatant violations of international humanitarian law and human rights,

(9) *Reaffirming* the principle of the sovereign equality of all States, enshrined in Article 2 of the Charter of the United Nations, and *underscoring* that the responsibility to protect is premised both on State sovereignty and the State's pre-existing and permanent legal obligations,

(10) *Firmly believing* that in such cases military intervention should be a last resort and should be sanctioned by the UN Security Council, and that such intervention should be proportionate and have a reasonable chance of success,

(11) *Considering* that parliaments around the world should consider ways and means to properly and effectively operationalize and implement the responsibility to protect in a timely, consistent and objective manner to avoid a situation where the international community is deadlocked over the need and how to intervene to stop the massacre of innocent civilians, especially women and children, for instance in the Syrian conflict,

(12) *Recalling* that the 126th IPU Assembly (Kampala, March-April 2012) adopted a resolution by consensus calling for the immediate cessation of violence and human rights violations and abuses in the Syrian Arab Republic and for support for the efforts of international and regional organizations to bring about a peaceful end to the crisis, and urging the United Nations to redouble its efforts to help bring an end to armed violence in the country and address the current humanitarian crisis,

(13) *Convinced* that parliaments should be more involved in enforcing the responsibility to protect and that their role in safeguarding citizens' lives entails giving serious consideration to how they can prevent or stop mass atrocities,

1. *Stresses* that the role of parliament in the responsibility to protect should be based on respect for the separation of powers and that oversight of the executive should be in line with democratic principles, in particular the protection and promotion of human rights;
2. *Urges* parliaments to help safeguard civilians' lives by ensuring that their governments enforce the responsibility to protect in a coherent and objective manner and in all aspects: prevention, assisting States in their efforts to prevent the most serious crimes and, where necessary, timely and resolute action;
3. *Encourages* parliaments to become acquainted with the executive's negotiated positions on treaties, conventions and resolutions, especially since the executive submits country reports required by the relevant treaty bodies, particularly those relating to human rights, and to become more involved with regional and international human rights mechanisms;
4. *Calls* on parliaments to ensure that all international treaties and conventions to which their country is party are incorporated into national law and, giving priority to treaties and conventions dealing with the protection of civilians, especially women and children;
5. *Also calls* on parliaments to take all the necessary legislative measures to bring their country's criminal law in line with international norms on the protection of civilians in armed conflict and to ensure that the perpetrators of the most serious crimes are held to account for their acts before a national court or the International Criminal Court;

6. *Further calls on* all parliaments to consider establishing a dedicated parliamentary committee to oversee international relations and to provide such committees with sufficient financial and human resources and adequate time on the parliamentary agenda to conduct their work;
7. *Encourages* parliaments to ensure that the protection of human rights, including those of minorities and indigenous people, is guaranteed not only in national law, but also in practice;
8. *Calls on* parliaments to encourage their governments to put in place early warning systems in order to facilitate and enhance faster and more effective responses to unfolding internal conflict situations;
9. *Calls for* efforts to promote the media's role by guaranteeing freedom of expression, ensuring that the media is protected by the national constitution and law and that it operates within the law;
10. *Stresses* that resorting to the responsibility to protect not only presupposes prevention and intervention policies but should also expressly provide for a reconstruction phase and as such, that parliaments should be committed to overseeing government action to the end, and allocate the necessary funds to assist with the reconstruction of countries emerging from crisis or conflict and contribute to the UN peace building funds;
11. *Urges* the IPU to facilitate an exchange of good practices in the areas of parliamentary oversight of enforcement of the responsibility to protect and parliamentary involvement in the protection of civilians;
12. *Calls on* parliaments to promote all facets of good governance based on the proven positive correlation between good governance and the advancement of peace and security;
13. *Also calls on* parliaments to monitor closely UN Security Council proceedings, request their governments to make the case at the Security Council for the need to act responsibly when resorting to coercive measures and to ensure that resolutions adopted are enforced in their entirety and in good faith;
14. *Urges* all parliaments to defend and promote human rights and democracy everywhere.