

127th Inter-Parliamentary Union (IPU) Assembly, Quebec 2012

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INTERACTIVE PANEL DISCUSSION ON

RESPONSIBILITY TO PROTECT:

THE ROLE OF PARLIAMENT IN SAFEGUARDING CIVILIANS' LIVES

Panel Members:

Moderator: Mr. S.H. Chowdury (Bangladesh), President of the IPU's First Standing Committee.

Parliamentary Panellists (co-Rapporteurs):

Mr. L. Ramatlakane (South Africa) & **Mr. S. Janquin** (France).

Non-parliamentary experts:

- 1) **Dr. Edward Luck**, former Special Adviser to the UN Secretary-General on the Responsibility to Protect.
- 2) **Ms. Tina Park**, Co-Founder & Executive Director, Canadian Centre for Responsibility to Protect

IPU Rep:

Ms. Laurence Marzal, Secretary of the IPU Standing committee on Peace & International Security

Moderator: Welcome to the IPU assembly's panel discussion. It is titled enforcing the responsibility to protect, the role of parliament in safeguarding civilian lives. So obviously this is as an important topic as we can think of because as representatives of the people, as parliamentarians our first and foremost responsibility is the safety, security and wellbeing of the people that we represent. So it is my pleasure to welcome all of you and I now call this meeting to order.

Now, already there have been a few questions because I know we are all creatures of habit and we get used to various conventions and protocols. It is the usual practice that when you walk into a room for a meeting of the standing committee or a panel discussion, you all have pieces of paper that you fill in and these in fact make up the speakers list. What we are going to do today is going to be slightly different. We would obviously like to have a very focused and a very constructive debate. So rather than reading our prepared speeches may I respectfully request all our honorable members to address the content of the report, of the draft report, that our rapporteurs have actually provided, so if possible rather than referring to notes that you may have prepared, and I will switch off my cellphone, we would request all of you just to exchange views and the whole idea of having a meeting in fact is to have this free and open exchange of views and ideas.

Remember this is your agenda, this is the agenda that we as the first standing committee adopted in our last meeting and now it becomes our responsibility as members to make sure that this agenda is enriched, it is complete and it is as inclusive as possible. So this is really where I seek the support and cooperation of all of you. And I'm sure at the end of the session today, we will in fact all be able to agree that the discussions have been very productive and very constructive. Now, as you know the purpose of organizing this meeting is really for the members to get a feel as to how the report is progressing. We have with us two very competent rapporteurs whom I will introduce in a minute. We also have to enrich our panel discussion today, with two non-parliamentary experts who are very well regarded and respected who I think will add diversity and add new ideas and dimensions to the reports that have been prepared.

The first sessions of what we are going to do today will actually involve a presentation of the draft report. This has been available on the website for a while now. Copies are also available to my left and your right as you enter the room or leave the room. So if you don't have copies I encourage you to take copies because this is really the context and the content of the discussion that we are going to have.

So today we will not have a pre-established list of speakers. Anyone wishing to speak, you all have country plaques please raise it, we will acknowledge and we will read out the name of the delegation and then we will give you a chance to speak.

What we will try and do is first we will make sure that as many delegations as possible have a chance to put forward their views, so one intervention per country. If we have exhausted that and there is room then I will allow a second intervention from the same country. But first let's try to get across as much as we can.

Also, the other point which I think I really need your cooperation as Chair, please make your interventions as brief and to the point as possible. This is very, very important. If you have got anything prepared in written form if you don't want to read it out and we are actually discouraging you to prepared statements. If you give that to us or the interpreters we will certainly take note of that but we want to use this an interactive forum and get as many inputs as we possibly can for our members and once we have those inputs. The rapporteurs will go back and finalize the report.

So really it is up to us as to how we want this report, how rich we want it, that will be determined by how we go about today's discussion. The interventions are going to be limited to three minutes so once you have raised your plaque, you have acknowledged, you can put the plaque down, and when your turn comes please speak.

We will try to have questions in groups of five or six and then we come back to our rapporteurs and expert panel. If in the meantime they feel that there is something that they really want to speak immediately we will of course give them the floor. So that is how we want to proceed today and I hope that has all of your agreements and we certainly need your support and cooperation.

Now for those of you who are here for the first time, what the process is from here on is basically the draft report will become a final report and then based on that report there will be a draft resolution that will be prepared.

The resolution, the draft resolution, will be circulated to all members hopefully by the end of this year so by the time we come to Quito in Ecuador in the last week of March of 2013, we will be in a position hopefully to adopt the resolution.

So this is really an important event today because we can have a check on where we stand, what are the issues we would like to include. If there are fundamental disagreements with any idea that has been noted please feel free to have your voice because this is the forum to do it.

The other aspect which I think it is important to me as the Chair just for your information is that the subject is really about enforcing the responsibility to protect. Now as you know the responsibility to protect is an agreement that was reached in the World Summit of leaders in 2005. We don't really want to have a discussion on the merits and demerits of the concept. This is something that our executives, our governments have agreed to, the world leaders have agreed to. Our dimension and our perspective from a parliamentary point of view is what is the role of parliament that is going to facilitate its enforcement. I think that is the specific area where we want to keep our discussion.

So I'm sure this is going to be a very vibrant session today. This is a subject that generates a lot of interest and a lot of debate and discussion and I look forward to those discussions and hopefully finalizing the report and moving on to the resolution, which is mainly what we are doing. So honorable members, this is not really the platform to voice our personal views and our personal positions it is really to help the process of drafting a resolution and to take that process forward as much as we can.

May I now with your approval introduce the panelists that we have with us today. Remember this is a panel discussion this is not the plenary.

To my left, before we go to the panelists, we have Laurence from the IPU. She is going to help me in trying to identify who has raised their delegation plaque so I always have someone to fall back on. She will also be taking notes.

And then to her left, we have the Honorable Leonard Ramatlakane. He is member of the South African National Assembly, has very long and distinguished history of political activism and was formerly the Western Cape Minister of Safety and Security. I have had a look at his report and I think it's a very intellectually really rich report and I'm sure that you will all have your own observations to make.

To Leonard's left we have Honourable Serge Janquin. He is a member of the French National Assembly. He is a very influential and respected member of the Foreign Affairs committee for the past ten years, so someone who brings with him a lot of experience. And he was also the rapporteur on Sudan and Darfur issues and he is also a member of the standing committee on Middle East questions. So he also brings with him his own experience and his background and I'm sure it is very good and will help us in our deliberations.

Now, as this is a panel discussion, in addition to the parliamentary dimension, we also wanted to have to some variety and diversity in terms of views from outside parliament and to my left we have Mr. Ed Luck. He also has a very impressive background. All of you may not be familiar but some of you may be aware. He is a professor, he is an author and he is very much an authority when it comes to international relations. Until last June, he served as the special advisor to the UN Secretary General on the Responsibility to Protect and this is the responsibility he carried out from February 2008. Previously, he was Vice President and Director of Studies of the International Peace Academy, an independent policy research institute that played an important role in the United Nations reform process and continues to do so.

And to my extreme right we have Ms. Tina Jiwon Park. She is the Executive Director of the Canadian Center for the Responsibility to Protect. Obviously this is very important issue in Canada as well and it's one of the world's leading centers of excellence, if I may say, in terms of research on this core notion and concept of the responsibility to protect. And this is an organization that she co-founded in 2010. She is also a Junior Fellow at Massey College and a Ph.D. candidate at the History Department at the University of Toronto. So we would like to welcome all of the panelists in our usual, customary way.
(applause)

So let us move on to the co-rapporteurs first to present their draft report. They don't need to read it out chapter and verse just summarize the basic concepts and also as we were discussing earlier something they are really interested in is to receive your inputs on how this report can be made richer and more inclusive and more relevant from a parliamentary perspective. So Leonard, would you like to start? You have ten minutes, which is plenty of time.

Please note that unfortunately, audio quality was very poor for this section. It has been attempted to transcribe this speech in verbatim but many parts remain unclear.

Mr. L. Ramatlakane: Thank you very much Mr. President and thank you for the opportunity to present a report. Myself and [inaudible] and we are collectively happy to present the report to the committee for debate and consideration. The Inter-Parliamentary Union is the largest international union [inaudible] working for peace and cooperation amongst the people [inaudible] the promotion of democracy [inaudible]. This topic, enforcing the responsibility to protect and the role of parliaments in promoting obedience is the most contemporary and [inaudible] issue at the back of the [inaudible] resolution.

This responsibility to protect also was adopted by 191 countries in the United Nations in 2005, in giving the responsibility to each state the responsibility to protect its population from war crimes, ethnic cleansing, crimes against humanity. If states fail to protect its citizens, means it is no longer upholding its responsibility as a sovereign and the international community has a responsibility out of peaceful means and measures to who has failed, to intervene through collective actions with military means as a last resort.

A proper and effective operationalization and implementation of the concept is however, often fallen short of the resolution taken at the World Summit. We believe that the problem is not a lack of policy direction or a lack of policy – or a lack of policy direction – in terms of what is needed to be done in the case of mass atrocities. What is at stake here is a lack of willingness to get involved, all of [inaudible]. What we require is an enforcement mechanism or a similar tool to enable government to act or to decide which option to explore, to enforce sovereignty that can be in a consistent and objective manner.

Having such an enforcement mechanism will not only assist us in upholding our decision to ultimate the concept of the Responsibility to Protect as was decided at the World Summit [inaudible] mass atrocities. [inaudible] No issue can be more deserving of the attention of the Security Council and the need to protect the civilians in a situation in armed conflict. Considering our firm belief that people should confess something which we [inaudible].

We hope that the R2P norms can assist us in effectively protecting civilians in situations of armed conflict. South Africa supports that the R2P doctrine is not only premised on an overtly qualitative foreign policy protection (?), but on our support for [inaudible]. In supporting the R2P concept, we know members are quite aware of the argument of those who do not necessarily agree with the R2P norm. This includes the [inaudible] misuse, it is also viewed as a tool that major countries can use to legitimize their intervention in other states, [inaudible] On human rights, intention of the R2P concept was to provide the framework of humanitarian intervention in the [inaudible] to create an authoritative framework of human rights protection. They however need to enforce human rights standard in a domestic jurisdiction and more emphasis should be placed on supporting a national mechanism for the promotion of human rights.

United Nations and African Union [inaudible]. The United Nations Security Council is one of the main international bodies with a panel of responsibility for maintenance of the world peace and security. Kofi Annan was instrumental in the world [inaudible] of the R2P concept when he asked, “When the international community must intervene for humanitarian purposes?” New rules have been created, a resolution has been passed by United Nations, expressing its support for the doctrine and its willingness

to authorize the deployment of peacekeepers and adopt a resolution in the assumption of military intervention. This included Resolution 1973 which demanded an immediate ceasefire in Libya and authorized the member states to take all measures to protect civilians and attack. [inaudible] The workforce of the IPU – the IPU -- adopted a resolution calling on the immediate cease of violence and human rights violations and abuses in Syria. [inaudible] to bring about a peaceful end to the crisis in Syria as well as sending [inaudible] to introduce their efforts [inaudible] to assist intervening [inaudible] and suggested a current humanitarian crisis.

Whether [inaudible], which many thought was the right thing to do, is open for debate. One view that the Libyan experience changed the tides against the R2P is Russia and China – have since hardened its position over intervention in Syria. [inaudible] One of the issues we need to consider is to whether the R2P has been selectively utilized. While the majority of nation states agree in principle with the R2P doctrine, it is qualified by a strong perception of being abused when strategic and economic interests are at stake.

Questions are asked why it can sordidly be employed in cases such as Ivory Coast and Libya, as opposed to [inaudible] in the Palestinian situation. We therefore need to apply our collective mind to this perceived device and application of the R2P concept, lest it render us unable to effectively or decisively intervene any time and anywhere where mass atrocities are being perpetrated.

The Responsibility While Protecting – Brazilians integrated the position regarding the implementation of the R2P, which basically can be described as the responsibility while protecting. In the aftermath of Libya, the approach is [inaudible] because the UN should always be part of the position of first, not causing harm to [inaudible]. The key fundamental principles are listed in the report, I'm not going take you through it. [inaudible]

While the [inaudible] Brazilian view, [inaudible] will thus limit economic and military damage. This approach of course consists in addressing the concern that the R2P doctrine is misused.

The contribution of continental bodies [inaudible] as that of the regional bodies such as African Union [inaudible]. It is worthwhile to note that in 1993, Nelson Mandela stated that in a quote, “Human rights will be the light that guides our foreign policy.” This approach has been invested in South African various policy guidelines, as a pinnacle among R2P’s approach by South African public. [inaudible]

Lastly, such as IPU, CPA and so on but should reach out and engage executives or mentors of national interest at the national level. In particular, [inaudible] for the safety of civilians lives through the implementation of the R2P. Most centrally, a strong, credible parliament that represents the whole population ought to play a decisive role in ensuring that norms such as R2P are given necessary attention. In our report, we list about nine points in what suggestions in terms of what parliament should do. I will only list the two.

Parliaments should be more proactive in ensuring that they acquaint themselves with knowledge of negotiated positions taken by executives in relation to treaties, conventions and resolutions, including

positions [inaudible] at UN Security resolutions. Parliament should consider establishing a dedicated parliamentary committee to oversee their international relations.

I wish to thank the South African parliament in their assistance [inaudible] for the job that we had to do and of course, we wait to hear your input in the number of issues that I raise in the report. Thank you very much Mr. President.

Moderator: I think that was a very comprehensive report. Not only does it give you the context of this very important concept and notion but also has very specific recommendations in terms of parliamentary actions and engagement. So thank you to them for that and I'm sure when we have our Q&A at the floor there will be suggestions that we will pass along for them. Now, we will hear from Mr. Janquin.

Mr. Janquin: Merci M. le président, mes chers collègues, je voudrais d'abord saluer ... et lui dire combien j'ai apprécié ... références et mêmes formules... Mes chers collègues, je veux préciser... comment je me situe par rapport au rapport qui m'a été proposé. Comme tout parlementaire, je refuse de recevoir un mandat thématique au nom d'un état, au nom d'un groupe de pays. J'essaie de pratiquer le libre examen de la question qui est proposée, de me fonder sur les statuts... et ce que... des nations... sur les principes fondamentaux qui sont partagés... dignité de la personne... Parvenir à un consensus... travailler... un de l'autre, et avec votre contribution.

Très brièvement... il faut se rappeler quelles sont les sources de ce qui est aujourd'hui la R2P. Après la deuxième guerre mondiale et ses horreurs, après... shoah... dans quelques... possible... pour combattre quelque chose et de là est venue l'idée de la R2P. Il y a des sources plus récentes, et il faut les mentionner aussi, parce que la communauté internationale à été honteuse de son comportement dans les Balkans quand des actes de guerre qui se sont produits. Elle était aussi, il faut dire, honteuse du génocide qu'elle à laissé se perpétrer au Rwanda. Ce sont des éléments forts... collective font beaucoup peser... à des élaborations... il y en a eu des plus récents, bien sûr... d'oublier de mentionner la contribution particulière de l'Union Africaine.

Puisque si on compte voir l'organisation... souveraineté des états, l'UA, elle, dans son article 4, a proposé le même principe de la Resp. d'intervenir pour ... des populations en case de génocide ou de crimes de guerre. Ou contre l'humanité... concept n'est pas d'origine occidentale. Il est... partagé... en commun puisque... mondial de Septembre 2005, il a retenu préciser... convenir, il y a encore du travail à faire pour relever toutes les ambiguïtés. Naturellement, cette question est évoquée en particulier par beaucoup de... et je ne veux pas évoquer... parce que... n'est pas dans la lumière... peuple... surgit... travail...

... moi je pense que nous aurions du intervenir plus tôt... vous dire pourquoi. Vous avez votre chef d'état et parlez de sa population... de vermines à exterminer, et puis utilisés contre les groupes plus manifestés des chars, de l'artillerie... bombardements aériens. Est-ce qu'on devrait rester indifférent par rapport à une telle... sûrement pas. Le mandat qui a été donné par la résolution 1973 du Conseil de Sécurité est-il dépassé ? La question est controversée... mission militaire à nécessité... notamment, dur à croire que certains pays africains mais aussi nous le savons bien, membres permanent du Conseil de Sécurité.

Force est de constater que...en particulier, de distinguer la R2P et Lorsque la grande majorité des états de l'ONU...il ne prennent pas ...crimes perpétrés...son autorité...Selon Ban Ki-Moon Sec Gen de l'ONU...la R2P...la première, c'est la raison c'est la responsabilité de l'état lui-même par rapport à ses ressortissants, la seconde, c'est l'assistance internationale et le renforcement de ses capacités, et si nécessaire, l'action résolue et en temps voulu...entre...et les membres du conseil, il est possible désormais d'établir avec précision comment nos parlements offrent de contribuer à sa mise en œuvre. Parce que là...question qui nous est posée aujourd'hui sur ce rapport : quelle est la nature, quel est le degré, l'implication de nos parlements pour contrôler les positions qui sont prises par nos exécutifs à partir des délibérations du Conseil de Sécurité ?

S'agissant de la responsabilité première de l'état elle implique de sa part un strict respect des obligations internationales en matière de lutte contre les violations les plus graves...des droits humains...doivent prendre toutes les mesures qui...nécessaires, il doivent...les lois pénales de leurs pays en conformité avec les normes internationales relatives à la protection des civils dans...ils doivent également revoir la législation...ou sur les opérations extérieures ...pour être...des violations des droits humanitaires international par leurs ressortissants.

Les parlements doivent veiller, par ailleurs, à ce que les ordres données aux forces armées soient conformes au droit international en vigueur, notamment par la mise en place de procédures...enfin, les parlements doivent prendre les mesures nécessaires pour assurer que les...violations...répondent de leurs actes devant...juridique international, ou devant la cour pénale internationale.

...des capacités de renforcement des capacités nationales et d'assistance internationale, et moi j'insiste, y compris de la responsabilité de l'Union Interparlementaire sur le suivi de ces questions. Elle doit être un acteur...très présent. Elle constitue pour la communauté internationale un devoir impératif. Il faut tout faire pour aider les états fragiles ou fragilisés accomplir leurs obligations vis-à-vis leurs populations civiles. Le Mali, aujourd'hui en deuil, malheureusement un douloureux exemple. Il a besoin de l'assistance internationale.

L'aide humanitaire, la coopération développementale et l'assistance à la construction d'état et de droits...comme le montre l'exemple du Mali, l'aide peut comporter aussi des éléments de soutien aux forces de sécurité. ET les parlements doivent activement participer à l'élaboration et de ces politiques d'aide. Ils doivent veiller aussi à ce que leurs gouvernements et l'ONU d'acquérir une capacité efficace d'alerte rapide. Ils doivent aussi faire en sorte que leurs gouvernements soutiennent pleinement les travaux de la Commission de Consolidation de la paix des Nations Unies et contribuent de manière adéquate au fonds de l'organisation de la paix. Si on n'y met pas l'argent qu'il faut, les résolutions ne veulent rien dire. Concernant l'action résolue en tant que...il est essentiel, tout à fait essentiel, que nos parlements doivent pleinement être informés sur toute situation d'agression massive des droits de l'homme. Ils doivent interroger leurs gouvernements sur ses positions au Conseil de Sécurité ou à l'Assemblée Générale.

Dans certains pays, les parlements peuvent avoir...à autoriser une intervention extérieure. Dans d'autres, ça n'est pas le cas. Ils auront suite à se prononcer sur les traités...cette opération. En outre...ne peut,

nous devons l'affirmer, constituer qu'un dernier recours, et l'action militaire doit être strictement limitée à ce qui est nécessaire pour empêcher la perpétration des crimes de masse.

Au cœur du débat sur la R2P, aujourd'hui...là aussi mettre ses mains dans sa poche n'est pas une possibilité...intervention militaire en Syrie...parlement ont deux fois interrogé leur gouvernement sur les actions qu'ils envisagent pour parvenir à une résolution.

En conclusion, je n'en suis pas loin, je soulignerais la R2P ne doit pas se limiter à la prévention et à l'intervention. Si la prévention échoue, et qu'une intervention militaire est jugée nécessaire par le Conseil de Sécurité, la communauté internationale a la responsabilité de reconstruire le pays après le conflit et d'assurer sa stabilité dans son environnement. A ce stade aussi, l'application parlementaire est tout à fait indispensable à la reconstruction de vivre ensemble. De ce point de vue, on doit constater que l'intervention militaire...illustre l'inadéquation d'une stratégie de mise en œuvre de la R2P et qui n'intègre pas suffisamment la gestion des conséquences de l'usage de la force.

Voilà, je pourrais faire d'autres développements...dire deux, trois choses qui paraissent tout à fait essentielles avant de conclure : la R2P repose sur une nouvelle lecture du droit international. Elle ne le modifie pas mais elle lie la communauté internationale dans le cadre de l'ONU en respect de toutes les dispositions, pas seulement celles sur les...dictatures...échapper aux conséquences de leurs actes...leurs crimes, mais aussi, et surtout, celles qui visent à protéger les personnes...La communauté internationale doit être unie en ce concept avec le plus de précision possible afin d'éviter qu'il soit détourné...autres que la protection des populations civiles. Pour répondre à cette..., le Brésil a proposé de compléter le concept par la notion de responsabilité en protégeant, ou de protection responsable. On ne peut qu'approuver le souci de précaution et ainsi...En...l'outil que représente...cette R2P ne doit pas être affaibli par une accumulation de conditions à réunir avant l'intervention alors que les crimes sont en train de se démultiplier.

L'un et l'autre doivent inspirer l'exigence des propos parlementaires. Mes chers collègues, le juste-à-temps dans la sauvegarde des peuples est assurément difficile à déterminer. Très difficile. Mais on sait combien il est facile de dire, ultérieurement...compte les petits crochets, il était trop tard et que la communauté internationale...au titre de cette exigence démocratique, dites-nous, mes chers collègues, à mon collègue, à moi-même...comment vous preniez...possible, et contrôlez parlement sur l'application [...] aux propositions dans le rapport final qui sera présenté...

MODERATOR: Thank you, Mr. Janquin. We now turn to our first non-parliamentary expert, Ms. Tina Park.

Ms. Tina Park(CCR2P): Good afternoon everyone and thank you so much for inviting me. Given the crucial role that parliamentarians could play in implementing R2P, I commend the organizers of the IPU assembly for convening this panel.

Dialogues and debates among political leaders are critical steps towards giving tangible meaning to R2P. It's a privilege to be on this panel with very distinguished parliamentarians from South Africa and France and particularly with Dr. Ed Luck. I cannot think of anyone who could speak with more authority on R2P than Dr. Luck. And Dr. Luck, thank you so much for your incredible contributions to development and advocacy of R2P.

Our two rapporteurs have provided us with very useful reports on role of parliament in enforcing R2P and based on these two reports I intend to briefly discuss some challenges that R2P faces today and make suggestions on how you could help with the implantation of R2P at the institutional and political levels.

First, let us begin with conceptual challenges which stems from that fact that R2P is a relatively young principle in international relations. It's important to note from the onset that R2P is a complex and evolving principle and the version first articulated by the ICISS in 2001 was significantly narrowed down in the 2005 World summit for political consensus. The paragraphs 138 and 139 were very significant not only because of unanimous support it received from heads of states and government but also for clarifying when, how and with whose authority international interventions could occur. Then in 2009, the Secretary General report on the implementation of R2P based on the three pillars further developed the concept. The Brazilian concept of responsibility while protecting also makes an important contribution to the protection of civilians. We must remember, therefore, that the conceptual revolution of R2P is an ongoing process that could help solidify intellectual foundations of this emerging norm. We need more input from the academia, think tanks and your national governments to help strengthen the conceptual foundations of R2P as we move forward.

In the context of the recent uprisings in the Middle East, many critics have voiced concerns about the use of force and the selectivity aspect of implementing R2P. Despite its specific reference to R2P, the UN involvement in Libya has been criticized that Western countries intervened for strategic reasons, particularly the oil. But the fact of the matter is that Libya only has 2% of the world's oil. The possible of selectivity is a real one when it comes to interventions, and what we need to do is to be more proactive about developing tools and mechanisms so that humanitarian concerns take priority over national self interest.

Pillar Three, which is use of force is the most contentious aspect of R2P, and we have to also remember that the use of force may prove to be critical in protecting populations under compelling situations. We have to only go as far as the Rwandan Genocide to realize that sometimes use of force is our only solution. Moving from the permissibility of the use of force, we need move more towards prevention methods both at the national and regional levels so that we can stop mass atrocities from early stage.

Lastly on the conceptual ideas, R2P today is perceives as a political commitment to act upon shared moral beliefs. We have to remember at the same time that the R2P's normative roots are firmly rooted in international law and R2P is an ally of sovereignty, not an enemy of sovereignty.

Sovereignty as a responsibility is a concept coined by Francis Deng in his work for internally displaced persons and the four crimes covered by 138 and 139 paragraphs at the 2005 World Summit entail responsibilities for states to prevent and punish international crimes. The protection of civilians consists not just of human rights law, but humanitarian law, international criminal law and refugee law. So R2P principle, while revolutionary, is not a new phenomenon and we must recognize our collective responsibilities stemming from these existing international legal regime.

Now let me move onto some tangible solutions on how you can make a difference in the implementation of R2P. First, I would suggest that you consider establishing a focal point within the national government for R2P related matters. The R2P focal point initiative was launched in 2010 by the government of Ghana, Denmark, Costa Rica and Australia in conjunction with the Global Center for R2P. It called on national governments to appoint a senior level government official to facilitate the creation of national mechanisms such as early warning systems for mass atrocity prevention.

At national and regional levels, there are compelling reasons to identify at-risk scenarios because a state does not suddenly become genocidal. These focal points could recognize that regional players are very important in the implementation of R2P and it's particularly useful for engaging with all the three pillars of R2P. We currently have 17 countries that belong to R2P focal points and they can be very useful as well in integrating atrocity prevention with the national policy and applying R2P lens to ongoing internal and external policy developments. I strongly urge you to encourage your national governments to take part in this important initiative.

Secondly, generating R2P knowledge is important. Despite its enormous significance, R2P is still not properly understood and effectively employed in domestic political lexicon in many countries. For R2P to move beyond being a topic of academic debates or political rhetoric, we need your help with the educational aspect of R2P. The national parliaments can help develop, translate and produce educational materials on R2P in local languages and educate the public and fellow politicians on R2P. I urge you to call for action at all levels of government on R2P scenarios and hold governments accountable and speak out when R2P is misused or abused.

You can also help by providing intuitional and financial support to research groups and civil society networks so that young minds could help engage with the R2P principle. It's also important that R2P doesn't become a partisan issue. Parliamentarians should make every effort to support higher education and human rights education whenever possible. My own center, Canadian Center for R2P, was formed precisely out of this background as we recognized the missing link between the leadership role that the Canadian government took and the lack of educational and research efforts in sponsoring this concept on a long term basis. We are now based at the Munk School and one of our founding patrons of CCR2P was the Honorable Bill Graham who was an MP from Rosedale-Toronto riding and a former Minister of Foreign Affairs and Defense in the Canadian government.

I also draw your attention to something called R2PLive.org which is an online global portal of R2P related matters made available in all UN languages. More effort needs to be made at the national and

regional levels to ensure there is a knowledge base for R2P that is easily accessible to everyone involved.

And I will wrap up with a final point about advocacy. As you go back to your national parliaments you can make reference to R2P in policy statements and other government publications and make sure you incorporate both the state and non state actors in promoting R2P. Because prevention methods creating mechanisms that the national level involves civil society groups, media, public and educational institutions and it is really the teamwork from your national parliaments that could make the difference in the long run. Thank you.

(applause)

Moderator: Thank you Ms. Park and also for keeping within the time. Now we come to the last of the discussions and hear from Dr. Luck. We will follow up with discussions, questions with a view to enriching and making our topic as inclusive as possible. Mr. Luck, the floor is yours.

Dr.Luck: Thank you very much for that kind introduction. I might just add that I have taken a new job recently as the Dean of the Kroc school at the University of San Diego where I hope to pursue many of these issues. I've gone through four informal interactive dialogues annually at the UN so I should know better than to come to another one but I was delighted to see that IPU has taken on the subject and the quality of the report and the quality of the ideas I think is very high and I look forward to the completion of your work here.

Going last on a panel of so many distinguished speakers... The old saying that "everything has been said, but not everyone has said it" I think is rather apt. So I will try to be quick and just make six points.

First, I was rather struck by the use of the term "enforcing" in your draft document. Around the UN, now that I am free of the UN, I can comment on it. Words like that don't come easily so we usually speak about engaging member states, civil society rather than enforcing but it does seem to be that there are times when push comes to shove and enforcing is the only way to go about it and we have to be honest about that and appreciate the candor in that sense. We should recognize though that the UN has invoked Responsibility to Protect in quite a wide variety of situations now but largely they have been under chapter 6 of the charter on specific ventures or they have been under chapter 8 of the charter on cooperation with regional or sub-regional arrangements. So the exception really has been those rare occasions when the Security Council has gathered the will and the unity to take chapter 7 on enforcement actions but it strikes me that it's the combination of 6,7 and 8 that is so valuable and understanding that no two situations are the same, and you need different tools under different circumstances. And from the very beginning, the Secretary General has called for an early and flexible response depending on the circumstances of each case.

In fact, we find very little difference in practice between prevention and response. Even prevention is responding to something and we see a continuum between the two and we don't think that any policy

based just on prevention is likely to be successful because as has been pointed out prevention sometimes doesn't work and on the other hand if it's all enforcement without an effort to prevent and an effort to engage societies you probably will not have the knowledge base and you probably won't have political will to sustain the effort.

Now, my second point relates to positive steps that can be taken. I was very pleased to see that your report has some of these. Parliaments can have a very important role in supporting and sustaining efforts to implement the Responsibility to Protect. This is partly financial and material as has been pointed out. But sustaining these efforts politically is enormously important.

What we hear from most member states is that they would like to do something decisive but somehow their parliaments or people won't let them. And of course they don't bother to test those waters but it's very convenient for them to say that we don't have parliamentary support. So I think if parliaments care about the Responsibility to Protect they can have a very important, positive role in this regard.

I would just point out that out of the three pillars of the Secretary General's strategy, the second one on assisting states is the least understood, either academically or politically. And it seems to me that parliaments can play an important role in looking at foreign assistance programs to see whether in fact they are in fact designed in a way to make atrocity crimes less likely. Sometimes in the past, assistance programs have led to polarizations within societies and in fact have worsened domestic situations instead of making this kind of atrocity less likely.

Third, and this has been referred to by several others but I think the oversight function of parliaments is enormously important. And first I would point out that all the heads of states and governments agreed at the summit in 2005 not to incite this kind of violence. It has already been referred to Gaddafi talking about rivers of blood, talking about cockroaches etc. when referring to the opposition but we've seen this again and again in different situations and it's one of the first things we can react to, is this kind of incitement or characterizing particular portion of society as somehow being less than human. That's the sort of thing that parliamentarians individually or collectively can have an important voice to respond to that kind of incitement of violence.

Second of all, it was pointed out, I think quite wisely that, to insist that the national militaries observe international law but I would go beyond that to point out that in many of these cases there are militias that are used, as in the case of Syria now and they in some cases do the very worst of the atrocities crimes. So I think extending this to militias would make a great deal of sense.

The question of selectivity has been brought up and obviously parliamentarians can play a role in pointing out when governments or international organizations have become selective. But I would like to make a distinction here about the UN. The Security Council is a political body that makes political decisions and I don't have to tell parliamentarians about politics, but they will look at each case and make their judgments.

The Secretary General and his people do not have that luxury. We have to be consistent in the way we apply R2P and I think that we have consistent but it's proper under the Charter that the Secretariat does not have control of these kinds of tools of coercion in the same way the Security Council does but it is a political body and here of course if where Parliamentarians can be important in trying to persuade a body of that sort.

I would also like to make a brief reference to the Brazilian initiative on responsibility while protecting. I joined with the Foreign Minister in co-chairing informal interactive dialogues in the General Assembly this spring in what we call the RWP. And I think it's important to recognize that *not acting* is also a choice and one can be highly irresponsible by not acting. That is why Responsibility to Protect was created to begin with. So yes there are dangers of overreaction, of targeting, or collateral damage and other things we need to watch out for and I completely sympathize with the objective of the Brazilian proposal. But we shouldn't think that putting 35 reasons for not acting adds up to responsibility. It could very well add up to the opposite. I think it's important to remember. But finally in that regard, parliamentarians, just as publics, have fundamental obligation to hold governments accountable and we look to you for that.

Now, just a couple of points before concluding. Fourth, it seems to me that parliaments are a very important conveyer belt role between publics and governments and that is something that I think is enormously important in terms of getting the message out. A message to publics about what is and isn't acceptable in terms of minority groups within societies, the importance of human rights, of education which has been mentioned before on these kinds of issues. But it can also be a conveyer belt upwards. If citizens' group, civil society, NGO's and others see reasons for concern in particular situations, parliamentarians can help give those publicity and help bring those to the attention of governments and I would hope of international organizations. So it's a two way process and in that regard.

I think it's important to remember that if R2P is a norm. It is at best an evolving norm and it's one that takes a lot of nurturing and a lot of refining and the reason we have done reports each year by the Secretary General is not just because I like to write. It's because we know that this needs discussion. It needs an interactive dialogue. And we need push back at times on this. And we found that during this process we both found more support from the member states. But we have also gained a better understanding of nuances that surround this issue. Let me just say in conclusion that I think we all have a responsibility to try.

We may not have a responsibility to succeed but as the International Court of Justice said in the case of Bosnia vs. Serbia in the case of Srebrenica, the problem was that the government did not even try to stop unfolding atrocities that they has every reason to understand were about to take place. So this is something that we sometimes call the individual responsibility to protect. Governments are made up of individuals. Parliaments are made up of individuals. Civil society is made up of individuals. And we each individually have the responsibility to try to stop these atrocities. To try to make the record in the 21st century much much better than it was in the 20th century, which was marred by so many horrendous atrocities and killings. Thank you very much.

(Applause)

Moderator: Thank you very much Mr. Luck, and I'm sure you will come back and respond to issues that are raised from the floor. Now I would like to open up the floor for your questions and contributions. Just as a guideline, what I think we would like to see here is first and foremost if you have any fundamental disagreement with any concept, with any notion that has been put in the draft report of the rapporteurs, I think that way we can certainly filter things out. Plaques have started to go up in the various sections of the room and I will just acknowledge what I have so far so you won't have to hold up. I will just read out the name and you will be asked to make your contributions on interventions in that order.

I have Iran. Then I have Cyprus. I have Belgium. I have Iraq. I have Cuba. I have Jordan. I have South Africa. Bahrain. Indonesia. Then we also have the transitional parliaments, Afghanistan, Cuba, Saudi Arabia, Thailand, and the Netherlands. Canada, we have Canada next after Thailand. Then we have the UK. Then we have the Netherlands. Any other countries? We have India, we have Philippines. Let's just get our breath back. Just a minute. We have Portugal. I have to be, I have to pretend that I'm neutral. Bangladesh. Ok let get this and we have Norway. So we have twenty now. After that we will come back for more. We have China. Palestine. Perhaps it would be easier to ask who is not interested to speak. We have France, UAE. Ok and let's stop here at Haiti. And then we will come back again. Nigeria. Ok.

Ok, may I request your cooperation in terms of the intervention not be more than three minutes please and be very specific and identify yourself. Please give your name for the sake of record we can put that down. And of course, the country that you're representing. May I now ask Iran to make their intervention and please confine yourself to three minutes? Thank you, Iran.

IRAN: *Mentioned the UN Charter's use of force, need for avoiding selectivity, no double-standard should be used, vague notion of R2P needs further discussion at the General Assembly.*

Moderator: Thank you, we also have translation for the past ten seconds and I think we have the gist of what you were trying to say. Thank you. And may I remind you: what we are trying to do here is focus on the parliamentary action, the parliamentary dimension. It is not to revisit the whole notion but to try and focus as to how parliaments can assist in terms of enforcing the interventionist concept. Thank you. Cyprus. Three minutes.

CYPRUS: Mr. chairman, distinguished panelists, My name is _____. I'm from Cyprus. Dear Colleagues, please allow me to read from a written, prepared statement. For almost three years we have been witnessing the social uprising in the Middle East and North Africa region, well-known as the Arab spring. However, this situation in Syria has been steadily deteriorating with a staggering death toll. Violence has reached catastrophic proportions and people's suffering is immense. Political wave of change amidst threats and the wanton assault on civilian lives in this part of the world should carefully be addressed in upcoming months. Take it into consideration the sensibilities and responsibilities of different groups and transitional governments.

Solutions and reforms cannot be imposed from outside if they are to be sustainable. What have we done individually and as an assembly since the adoption of the Responsibility to Protect concept by an overwhelming majority of UN member states in 2005 to address the mass atrocities against civilian lives in the world.

In this dimension, our global community of Parliaments should approach the Responsibility to Protect doctrine in a balanced and sensitive way by supporting and highlighting the importance of civilian's protection during and after all conflict situations. Parliamentarians should state their readiness to support initiatives and resolutions intending to promote multilateral institutions, which are to become the main source of the Responsibility to Protect approach.

In this context, parliaments should share responsibility already at the stage of prevention by promoting the observance of fundamental principles of international law and the respect of human rights. Should prevention not be possible, parliaments should ensure that all peaceful means available have been exhausted before any further action is taken.

States should also confine themselves to the objectives that are to be set by the relevant Security Council resolution and in compliance with international law and UN principles. My country, Cyprus, has been suffering the dire consequences of military invasion and continuing invasion...since 1974.

Lacking UN endorsement through pertinent resolutions, any intervention that violates the sovereignty and territorial integrity of a country in the name of the Responsibility to Protect doctrine is unacceptable. Not neglecting the principle that the primary responsibility of protection of civilians lies with the individual state authority, perpetrators of violent crimes should not be insulated in cases of states' failures to save their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In part, it is the right of citizens to call for protection for their lives, if needed. Parliaments should ensure this basic right by calling on their respective governments to establish early-warning security systems, which should be readily available to their populations, including minorities and indigenous people.

Moderator: Time

CYPRUS: It is our duty, within the framework of the Standing Committee on Peace and International Security and the Inter-Parliamentary Union, more generally, to address our concerns in passing the Responsibility to Protect, with a view to a better future for every civilian under an emerging nuclear world. Thank you for your attention.

Moderator: Thank you Cyprus. We would now like to hear from the distinguished delegation of Belgium. And after that we have Iraq and Cuba to follow. Belgium please.

Belgium: [this section is in French, 1:09-1:13:04] **Summary:** *On the issue of implementation, we must ensure that there are measures to minimize the negative impact. Belgium is pleased with the Brazilian concept of R2P. We must reach agreement on how to fully implement R2P. The panel is great for fleshing out ideas. We are justifiably concerned about the need to protect civilians and are critical of arguments on R2P such as risks of instability. Interventions should not be about regime change. We should all overcome our sensitivity towards regime change and understand R2P in a broader sense. Each state must have means to protect its own citizens and parliaments have a particular role.*

Moderator: Thank you, Belgium. We would now like to hear from the delegation from Iraq, please. And please stick to the time of three minutes, thank you.

IRAQ: [Also not in English – 1:13:14-1:15:18] **Summary:** *Some governments do not have functioning parliaments. Gross human rights violations are often gradual and extremist. The report does not mention the role of IPU from protecting people. IPU needs to pay attention to defending human rights and independent organizations.*

Moderator: Thank you, Iraq. Just for your information, the IPU doesn't police human rights. IPU tries to empower Parliaments and Parliamentarians to take action. That's what we try to do. And the idea of having these meetings is to share best practices. What has worked in what Parliament and what has not. So, we really are trying to bring best practices to the UN, it is up to the individual Parliament, then, to take action. We would now like to hear from the delegation from Cuba. Again, I seek your cooperation in confining your intervention to three minutes.

CUBA (spoke in Spanish- translated here): Thank you, Mr. President.. We are aware of the good intentions animating the majority of those promoting R2P as a norm of international law. At the same time, the legitimate concerns generated by this subject should not go unacknowledged, as R2P does entail risks of being manipulated by undercover interventionists who look for whatever means to justify intromission and use of force. One and another time History gives us examples of wars of conquering launched under the pretext of protecting civilians. Many key interrogations remain without convincing answers. I would like those making presentations here to reflect about this. Questions like, under whose authority and how is it to be decided whether an immediate R2P motivated intervention is required in an autonomous state? Whom and under what parameters decides whether the peaceful means of conflict resolution have been effectively exhausted? Do smaller countries enjoy the right to intervene in larger countries? Will any developed nation allow for foreign intervention in its territory, however R2P motivated? How and where are boundaries set between intervention under R2P and intervention for political or strategic purposes?

Mr. President, the R2P doctrine would only have any authority if it was to be applied without selectiveness, on the basis of the principle of justice for all, in a condition of equality. However, these pre-conditions cannot be guaranteed by the current international system. The Cuban parliament, therefore, opposes and will radically oppose to every action and force not following the dispositions of the Charter of the United Nations, so there will not be any justification. The current, unjust and profoundly unequal international order cannot be followed by an even more primitive one, grounded on the interpretation of the Charter of United Nations and international law. Thank you very much.

Moderator: Thank you, Cuba, for finishing well within your allocated time. We will next have the pleasure of hearing from the delegation of Jordan and after that it will be South Africa and, following South Africa, it will be Bahrain. So, Jordan, please – three minutes, thank you.

JORDAN: Thank you, Mr. Chairman. I come from Jordan, my name is _____. I am a Senator. Jordan is the smallest country in the Middle East with the least resources, but has been – over the years – a home for waves of refugees. Way back from the Israel-Palestinian '48 war, to '67 – again, the Iraqi war, and, most recently, the conflict in Syria. But you can tell, as a refugee, I came to Jordan, got the empowered and the care of the country to come here and be presented as a representative. On the responsibility to protect, I would like to have four major issues.

First, a recommendation to both rapporteurs. I think that the reconciliation and the spirit of South Africa and the spirit of the French Rapporteur have been very apparent in both papers, and I do commend both gentlemen for the work. Mr. Luck, I think you have added more to the definitions of re-enforcement and those vocabularies that are very much sensitive in the UN, so we thank you for that. I have an addition and that is – for the Responsibility to Prevent, the Responsibility to React and the Responsibility to Rebuild. I have never seen a Responsibility for Occupation, we still have that left to be a major issue in the responsibility. We have seen – now we are over 60 years of occupation of Palestinians by Israelis, and this was alluded to by the gentleman from South Africa. But, it should be taken into consideration that occupation is another form where we have to protect people from the consequences.

The following one is a suggestion, it should be suggested, that a work force or task force from the IPU be formed of 5 to 7 countries that are not party to either the permanent members of the Security Council or the incumbent members – totally away, free from any Security Council member states. But this would be a task force to be the interlocutor and to be the voice of conscience on behalf of the IPU whenever conflict takes place anywhere around the world. My perspective is, in these implementations, we may find ourselves moving away from what is called “the benefit of the doubt” to “the road to hell is paved with good intentions”. So we have to be very careful on how we implement that enforcement. Thank you, Mr. Chairman.

Moderator: Thank you, Jordan, for your very insightful and constructive remarks. Colleagues, we - what I would like to do is – obviously, our rapporteurs are making notes, are taking notes of your suggestions, as are our two experts. I think what we will try to do is, once we have about fifteen or twenty interventions, then allow them if they would wish to comment. Or, we could go right to the end of the session and then address all of the issues.

What we would, of course, appreciate is individuals and delegations who are raising questions and making the interventions if you would, if your time and schedules permit, stay on until you at least get a response to any suggestions that you have made. I think that would be constructive. And if there is a further question that you would wish to make at that point, you will have the opportunity to do so. I will now move on to South Africa, for your interventions.

SOUTH AFRICA: thank you very much, Chairman. My name is _____. I want to start off by congratulating the two rapporteurs on the excellent work that they have done so far. The other two points that I wanted to raise have been covered, so I'll be very brief and just raise a couple of points.

I think I just want to personally start by saying that it is important that, as respective Parliaments and respective parliamentarians, we put in place correct mechanisms and laws that we have in place various institutions that can play a role. I think also what's important is that our own governments must respect the laws of the international system, must respect the various institutions, because very often we find that sometimes governments think to overrule and overlook those mechanisms that have been put in place. And so it is the role of the Parliaments, really, to ensure that they have the necessary legislation and the necessary mechanisms in place to protect their own citizens.

There is a point that was raised that I would also like to agree with, and that relates to the need for Parliaments to engage actively with the executives of their countries, by the decisions that they take, in terms of international decisions. It doesn't help for Parliaments to sit back and allow their executives to do what they want to. Executives also need to account to their own Parliaments.

I think on the international front, just to raise a couple of things in terms of South Africa, South Africa's thought has always been that we need to be encouraging countries, where possible, to find solutions to some of their problems. To Turkey, in South Africa we don't support the notion of interfering in the affairs of nation states and taking steps to get regime change. But what South Africa does support is a doctrine of a Responsibility to Protect, in instances where there are gross human rights violations, ethnic cleansing, genocide, et cetera. These should also be in line with decisions of international bodies, such as the United Nations, the African Union, et cetera, and shouldn't be outside of that.

It is these bodies that need to ensure – that need to determine – how and what should done, in instances where violations take place. And we need to really discourage countries from going outside of the

mandate of those institutions. I think also to say that, just in terms of South Africa, South Africa is playing a very big part, in terms of on the African continent, in part of various long-term peace missions, but all of these have been authorised by the African Union. So, South Africa hasn't gone out and just done its own things.

And I think also just to say, a point that I'd also like to make, is that whilst we need to respect the sovereignty of states, we also can't sit back and allow violations – gross violations – of human rights to take place, either by the government or by internal groups and by external forces. And, so, that's really the last point that I'd like to raise: we need to empower bodies such as the African Union to be firm, to take firm responses which, then, all countries will abide by.

Just to conclude, I think as Parliaments, Parliaments around the world, we've got to ensure that we do our bit, we've got to ensure that we take sufficient steps to ensure that civilians' lives are protected. If we don't, we fail the very people that have elected us, put us into those positions. Just in terms of the IPU, I think that the IPU needs to look at taking a formal, active role in helping and advising Parliaments on some of the steps that should be taken in ensuring that the lives of citizens are safeguarded. Next, the IPU should be looking at analysing what various Parliaments have done, and sharing with various Parliaments and the respective models that have been adopted by various countries. So, I think I'm going to end it here; my other points have been raised already. Thank you very much, Mr. Chairman.

Moderator: Thank you, South Africa. Now we would like to hear from the delegation from Bahrain. Please – three minutes, thank you.

Bahrain: [1:27:25-1:30:59], not in English]

Moderator: Thank you, Bahrain. We now wish to hear from the delegation of Indonesia. Please, make it three minutes, thank you.

Indonesia: Thank you, honourable Chairman and honourable delegation. My name is [name] and a member for the Parliament of Indonesia. On the question of the Responsibility to Protect, we are of the view that there should not be any more discussion on the conceptual framework of R2P.

We understand that three pillars, namely the primary responsibility of every state to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, the responsibility of the innovation of mechanisms to assist states to fulfil their national obligations, improving the situation, and the commitment to take timely, aggressive action, pursued through the United Nations Charter, to induce a nation, where a state is manifestly failing in the Responsibility to Protect, as we endorsed the topic back at the World Summit in 2005.

We need, not to defend the veto, but the more we share the view to R2P is the universal principle, not the best. Its implementation is too vague and takes too long, and alternatives are illegitimate. Indonesia believe that intervention lies at the heart of the Responsibility to Protect; in this regard, R2P is also about the effort to say that it is the responsibility of the state to meet the minimum requirements of good governance and implementation of the rule of law.

This will, in turn, assist member states to provide better protection for their whole region; therefore any discussion of this issue should also possess a clear, certain aim at settling the unrest before they progress. The focus on prevention, also, entails a settling of the UN early warning ability, and that is increased by working with regional actors and regional powers, as well as by finally, consistently, adhering to the Responsibility to Protect, assisting in developing the priorities and programs.

In ASEAN, there is a term within the ASEAN [Parliamentary Committee?] ...of the promotion and protection of human rights. It is the responsibility of the state to protect. They also speak of stability and peace of states in order to protect their population in which there is proactive and good willing and shaping the debate by, for example, hosting the International Workshop on the Role of the UN in Multinational Peacekeeping and Post-Conflict Peace-Building. Those ASEAN initiatives took place on 25 March 2010.

Taking into account recent developments on the international scene, when the rules and promotion of R2P are integrated into ASEAN institutions, the operation of R2P should be put into context of each international human rights and the UN Charter.

Regarding the role of Parliament, we believe that we can and should play the role of facilitating the Responsibility to Protect at home and abroad through our conscious making of decisions. In terms of duty, we Members of Parliament should ensure the high quality of law when we converse with the government. In terms of negotiation and delivery, the laws of a program in ensuring human rights could be limited without investments otherwise. Parliament has produced numerous initiatives for the protection of human rights, including amendment of the Constitution and human rights laws. Thank you.

Moderator: Thank you. We now move on the transitional Head of Parliament. And after that, I will call upon the delegation from Afghanistan. And, to follow Afghanistan will be Saudi Arabia, Thailand, Canada, and the U.K. So that you can prepare yourself, you can plan your interventions in advance. The transitional Head of Parliament, please.

Transitional Head of Parliament: [not in English 1:36:21-1:40:30] *Disagrees with most comments; R2P was already endorsed by our heads of states in 2005...*

Moderator: Thank you. And now we will hear from the delegation of Afghanistan. Please, three minutes, thank you.

Afghanistan: [1:40:46-1:43:40] *Focused on the need to end armed conflicts*

Moderator: Thank you, Afghanistan. We will now move on; we will call upon Saudi Arabia. Is Saudi Arabia there? No? Ok. So, next we have Thailand. After that, we have Canada, the U.K., the Netherlands, India, which will be followed by Portugal, Phillipines, Bangladesh. So, may I address the honourable member from Thailand? Please speak.

Thailand: Thank you. Mr. Chairman, distinguished delegates. The position of Thailand is to hold a policy of non-intervention in the internal affairs. But a state must see its promise kept; it is not a right if the state fails to meet its promise of a responsibility to protect civilians, if states fail to protect all civilians from genocide, war crimes, ethnic cleansing and crimes against humanity. We live by the principle that all humanity has the right to take advantage of these mechanisms, and undertaking actions against perpetrators is a legitimate course of action. We also believe when crises arise, the international community should seek to address the situation by peaceful means, and look to coercive intervention only as a last resort. *(not very clearly audible after...)*

We have to ensure that R2P is applied in a consistent matter... Thank you.

Moderator: Thank you for your thoughtful intervention. We will now hear from our host country, Canada, and I will not say that you have a three minute timeline. But please keep it to three minutes. Thank you.

Canada: Merci, monsieur le president. ...Je tiens à rappeler que le Canada soutient les Etats-Unis... les Nations Unis dans leurs efforts vers la mise en œuvre opérationnelle de la R2P. La Canada a participé à l'application de la zone d'exclusion de vol en Libye ordonné par les Nations Unis, ainsi qu'à l'action militaire dans le... (qui visait ?) à protéger la population en Libye contre les crimes contre l'humanité et crimes de guerre. Le Canada est décidé à prévenir et réprimer les génocides, et les nettoyages ethniques, et les crimes de guerre, et les crimes contre l'humanité, et qu'il appuie les efforts contre l'injustice... (et ramener ?) le responsable. Le Canada affrète la démocratie, les droits de la personne, la primauté du droit, la saine gouvernance, et les principaux piliers de sa politique étrangère. Il est essentiel de renforcer la capacité des états à assurer une saine gouvernance et des institutions démocratiques dans le but de prévenir les atrocités de masse. La doctrine R2P permet d'encadrer ... la médiation, les mécanismes d'alerte précoce, formation et la diplomatie, les processus régionaux d'examen par et de se référer au Ch7 de la chartre dans le but de prévenir les atrocités de masse. Nous croyons que les parlementaires peuvent jouer un rôle de premier plan ... par le bien de l'union interparlementaire et d'autres formes internationaux, les parlements peuvent élaborer des pratiques exemplaires pour s'assurer que les états ont les moyens de protéger leur populations des crimes contre l'humanité et les crimes de guerre, nettoyage ethnique et du génocide, et s'assurer qu'ils s'acquittent de leurs responsabilités à cet égard.

Les parlementaires peuvent jouer un rôle en encourageant et en aidant d'autres états à s'acquitter de leurs responsabilités en matière de protection et en soutenant les mesures rationnelles visant à protéger contre les atrocités de masse les populations vulnérables notamment des femmes et des enfants. Nous croyons que les parlementaires peuvent jouer un rôle important ... prévention par exemple en établissant un plan d'aide ... visant à prévenir les atrocités de masse, ou en accordant une place prioritaire aux préoccupations des populations vulnérables dans la politique gouvernementale. Alors, chers collègues, je vous remercie de votre présence et de votre écoute et c'est avec plaisir que j'entendrai les autres intervenants.

Summary: *Canada supports R2P as agreed at the 2005 World Summit, Canada took part in the no-fly zone in Libya through the NATO in response to war crimes and crimes against humanity. We must be determined to promote democracy and human rights. R2P goes back to some main pillars of human rights. R2P makes it possible to mediate, have early warning system, regional peer review mechanism. Chapter 7 of the UN Charter is also in line with R2P. Parliaments are critically important. We should also give due attention to the protection of women's rights and children's rights, our most vulnerable population.*

Moderator: Thank you, Canada. And may I ask a question, Madame? You have spoken about the very proactive role that – yes, thank you for sharing with us the very proactive role that the Canadian government has played, in terms of democracy, human rights, rule of law. Can you share with us any particular interventions that the Canadian Parliament has made in this regard?

Canada: On a fait une intervention les manquements au droit de la personne ... sur l'emprisonnement de jeunes femmes et de jeunes hommes, et souvent sans avoir eu de procès avant. Alors nous avons fait une interventions ... à ce sujet là dans le sénat. Alors il y a eu toutes sortes d'autres opérations concernant la défense, et je ne pense pas que ce soit

Moderator: Specifically on the issue of the Responsibility to Protect, as far as the Canadian government is concerned.

Canada: Oui, je crois que le Canada dans tous les forums où il participe contribue à aider les autres pays à protéger leurs populations et incite les autres parlementaires et états, dans les discussions entre ministres, de tous les pays auxquels nous avons des alliés, nous aidons ces pays à protéger leur populations.

Moderator: Thank you. No, I just wanted to – because are the host country, so it would help the other Parliamentary delegations to know all of the good work that you have been doing. We will now move on. We would next like to hear from the U.K., I can see that the British representative is ready and waiting. And after that it will be the Netherlands, followed by India, Portugal, the Philippines, Bangladesh, Norway. And then we have another list at the end. But I think we are making good

progress, in terms of time management, we are doing well. Lord [name], lovely to see you and we look forward to your views.

United Kingdom: Good to be here. First, I'd like to join the queue in congratulating the rapporteurs. They have set a very high standard indeed, and I hope that we can all live up to them. I also, like others, would like to thank Ms. Park and Dr. Ed Luck, whose work and analysis I've admired for many years, for their contribution to our deliberations. We are fortunate to have you with us. Chair, there is widespread cynicism throughout the world about countless meetings and conferences, which endlessly produce reports like a succession of classical Greek choruses, but have failed to secure action. I think Ed Luck was absolutely right to say how important that word in the title of this report is – it's about the enforcement.

The second point that I want to make is that we all realise that we live in a world of total, total international interdependence. And in the process governments, our governments throughout the world, are, therefore, every day making decisions – participating in decisions – which affect the destiny of their people. But we are doing this in an international context and in international meetings. This begins to undermine the whole spirit of democracy, they listen to a management cult, and in that context, it seems to me terribly important that the reports emphatically say that we must have systems within our parliamentary systems which keep the accountability of our government at the international level constantly enforced. It's quite possible that those arrangements should be sufficiently strong to ensure that we can influence before decisions are made, and not simply take the comment afterwards.

I'd like to mention, briefly, two – three – specific points, at which I wondered whether the rapporteurs could look in the next stage of their report. First of all, I see journalists as the lifeblood of informed democracy – they don't always live up to their historic duty but they are, nonetheless, the lifeblood of informed democracy. And they are, therefore, a key to protection and I think we need to write into anything we're saying about the protection of people that the freedom, the right of protection of journalists as they go about their business of commenting and informing.

The next point is about collateral damage – and I've been a Defence Minister in my nefarious past. I don't like this phrase – it's a way in which we sanitize the reality, which is terrified, innocent people killed, maimed and buried. And if we're talking about protection of people, we must have something, surely, to say about the challenges of what we choose, conveniently, to call collateral damage. If you add up the number of people who were killed, maimed, and affected by collateral damage, it is very considerable indeed. And the last point is simply this: if we're all concerned about protecting all the time the international rule of law, the international rule of law must, in the end, ultimately be the protection of – the effective protection of people. And what a nightmare have we been through in our lifetimes, recently: by rendition, we've been taking people right out of the legal process as we understand it into places like Guantanamo Bay, and now we have drones and extrajudicial killing by remote control.

And which, perhaps, involve collateral damage as well. And if we're going to make our report meaningful, we must call a spade a spade, we've got to hammer home the nails, and we really ought to have something to say about this great, sinister process of remote killing and extrajudicial killing and the consequences more widely in society. I finish with just this observation: that, whatever is done, whatever we write down, will only be effective if it is consistent. If it simply becomes a tool of the already powerful in their efforts to manage the world, as they want to manage the world, but fails to ensure justice and consistency for the international community as a whole. The great have got to be held to account every bit as much as those who are lesser. It seems to me that unless we embrace that, we aren't going to get very far in the protection of human rights.

Moderator: Thank you, Lord [name]. And as you correctly identified, in choosing this topic and emphasising enforcement, we really have set the bar very high. And, as Parliamentarians, it is now our job – having set the bar high, we need to respond to it. And I think we need to have a very strong and a very focused and a very powerful resolution at the end of this process. Now, just so that the other delegations are aware, after Norway – and, I have listed the five – Netherlands, India, Portugal, Philippines, Bangladesh and Norway, I have here Japan, China, Palestine, France, the United Arab Emirates, Haiti, Nigeria, Republic of Korea, and Tunisia. Is there any other country which wishes to, any other delegation – okay, Zambia – and we'll close it after that. Okay? Thank you, Zambia. So, we move on now to the Netherlands. Okay, I'll take one more: Ethiopia. And we are closing it. Thank you, thank you, thank you. Netherlands, please. Thank you.

Netherlands: Thank you very much, Mr. Chairman. I'd like to start by thanking the rapporteurs for their report. And both reports share a full view of the Responsibility to Protect, so I hope that we can expect for one consolidated, full report to keep some of that. And, as the representative of the Netherlands, I can largely agree with what the reports say on what I would like to state as the preventative arm of the Responsibility to Protect: that states are responsible to protect their own people and, if we can get solid report from that level, we can save ourselves a lot of trouble. Because if states would try to protect their people, there would be no need to put corrective measures on the Responsibility to Protect, and the entire concept would not be controversial, as it sometimes is today. Unfortunately this is not the case, and when states do not protect their own people we encounter severe difficulties. When we come into a situation in which the international community has to take over the Responsibility to Protect citizens from their own states, we come into difficulties when it comes to the intervention.

And we reinforce our fear that military intervention is no longer a last resort. This means that before military intervention we have a wide array of measures and other resources to take, and that can be effective in protecting citizens from their own states. And that is a bit of a theoretical truth, but in practice it is quite difficult. When the case arises, when the state doesn't protect their own, we quickly

come to question our military intervention. And I'd like to have this be covered in the resolution and also in the reports the discrepancy between the Responsibility to Protect as a kind of quasi-legal principle and the decision to take the last resort, the military intervention, as a security-political decision in the UN Security Council at best, which does not follow any procedure resounding the legal merits of the Responsibility to Protect as a concept. And we need to address this before, to prevent the Responsibility to Protect from becoming an overblown promise which only works on paper.

And secondly on the role of Parliaments, I would also like the report and the resolution perhaps to share examples of what Parliaments have experienced: good practices, if we can find them out. And because I agree with the report's statement that the decision to use military intervention and also the monitoring of military use should not be out of the reach of Parliaments. And, I will not go into the details of how the Netherlands deals with it, but I am happy to provide the rapporteurs with the information after the session. In the Netherlands after, in the past there were suboptimal conflict-related experiences, we now have a situation in which technically still the executive decides on military intervention, but in practice we have procedures that make it unthinkable that it would ever occur without Parliament giving a significant consensus before the decision is made. And we also have clear Parliamentary oversight concerning the use of military means if it is, unfortunately, necessary. So, I would like the report to say more, then on that area. Thank you.

Moderator: Thank you, and please do share the best practices that you talked about. The format and subject of our resolution doesn't allow us to put that in the resolution itself, but I see no reason why it can't be incorporated into our actual report. So, please, after the event today, share that with the rapporteurs. We will move onto India. Thank you for your patience. I'd like to hear from India.

India: Thank you, Mr. Chairperson and esteemed representatives. And, of course, our rapporteurs. I am glad to have this opportunity to share my views on the very complex and important thing of the Responsibility to Protect, this primary and most important responsibility of acting to protect and save the lives of our citizens.

The World Summit Outcome Document adopted by the United Nations member-states in October 2005 also affirms the responsibility of each individual member state of the United Nations to protect its populations from all identified crimes, also known as genocide, war crimes, ethnic cleansing, and crimes against humanity. It says that the international community also has the responsibility to encourage states and help them, through the United Nations and by using appropriate diplomatic, military and other peaceful means, in accordance with Chapter 6 and 7 of the United Nations Charter, to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

As Parliamentarians, we have an important and critical role in ensuring that our states fully carry out their obligations and responsibilities towards their citizens, to safeguard their lives, and to create an atmosphere conducive for every person to lead a dignified and respectable existence. Second,

Parliamentarians as opinion leaders and legislators have played an important and meaningful role in formulating an appropriate response to the challenges caused by taking steps to save their lives.

Depending on the type of threat, a number of legal instruments have been collected to protect the life, dignity and rights of the Parliament. Apart from electing the lead-based legislation, to safeguard simple rights, the Indian Parliament has been instrumental in passing many laws to improve the social conditions of the deprived and the weaker sections of the society. For example, the protection of civil rights in 1955, the Parliament delivered a system establishing in 1976 the Child Labour Prohibition and Regulation Act and, in 1986, the Mental Health Act of 1987. And with regards to the adoption of new rights, the Prevention of Atrocities Act of 1989 as well. Certain Members of Parliament in India have been exercising oversight on the executive for effective implementation of these acts of legislation. Besides this, the Parliament has invested in becoming a successful institution in next to all situations, in which efforts to safeguard civilian lives by protecting and promoting the rights of all Indians. We Parliamentarians also have a particular role in enforcing the Responsibility to Protect at international levels by exercising oversight over actions taken by states in the international arena.

It is our responsibility that actions of the international community for the protection of civilians adhere to the cardinal norms laid out in declarations and resolutions we have adopted in the United Nations. In this regard, it is very important to bear three very fundamental aspects in mind. So, firstly the Responsibility to Protect cannot be used to address all social evils, including the violations of human rights and humanitarian law.

As mentioned in the UN documents, it must only be confined to horrible crimes of genocide, war crimes, ethnic cleansing, and crimes against humanity. Secondly, we core responsibility to the international community cannot be contested; the Responsibility to Protect should start with political engagement with parties concerned. Any specific need of these states concerned should be given due consideration and support. Sufficient time should be allowed. You see that when non-coercive measures are employed after a disaster, it is only in an honest and serious attempt at peaceful settlement that the international community, acting under the United Nations, should consider coercive measures. And the response should, again, be clearly collaborated and gentle, rather than immediate recourse, to act with fortitude

Moderator: Time.

India: Armed intervention should be an act of last resort, when everything else has failed. Selectivity must be avoided at all costs and the principle must be applied universally to all parties involved. Third, if the Responsibility to Protect is to regain the respect of the international community, it has to be based on the concept of Responsibility while Protecting, as proposed by Brazil.

Moderator: Please conclude.

India: Next, the international action for this purpose must be anchored in the United Nations and must include provisions for monitoring and promoting mechanisms, so that responsibility, as well as principles of neutrality, impartiality, and proportionality are ensured.

India:

~impartiality, and proportionality, are issued.

Moderator: Thank you India, begin to finish.

India:

In the end, it is critical to ensure the responsibility to protect does not allow people to legitimizing outside intervention. Only in context of protecting populations from violations of human rights and humanitarian law, it cannot be seen as codifying a system of cohesion, providing a tool in the aggression of governments. To judge other states and to encourage regime change for other political considerations apart from the responsibility to protect the lives and the physical well-being of civilians. We believe that parliament will go beyond *[crosstalk]*

Moderator: India, I think we will have to stop here. Because we *[crosstalk]* and thank you, I now realize what a thankless task it is for the speaker in a parliament to keep from wasting time. But thank you for your speech and please feel free to share your written speech. And now we have Portugal, is Portugal there? Yes please.

Portugal: Thank you Mr. Chairman, I am _____ from the Portuguese Parliament and I will speak in my language, Portuguese.

Portuguese

Phillipines: Thank you, Mr. Chair. In my view the responsibility to prevent is not an extremely difficult. Mr. chair. In fact if it is extremely difficult, then the responsibility to react, which is on a higher level becomes doubly difficult if not impossible. But I think the difficulty in the implementation of the responsibility to prevent is the aptitude of the international community not to intervene when the conflict has not yet escalated. In fact it is my belief that parliaments has a role, in fact large role in implementing responsibility to prevent. For example in issue concerning human rights, in issues concerning community, parliaments can in fact express their solutions towards expressing their concerns for such violations.

So in my view Mr. Chair, the paper should also emphasize on these aspects of the responsibility to prevent. If we reach a stage Mr. chair where we are faced with the dilemma of the responsibility to react then we have abdicated on our role on the responsibility to prevent.

Lastly, on the role of parliaments, I agree with the points mentioned on the paper of the South African rapporteurs, as he points with regards to the role of parliament in expressing in protecting its people

from human rights violations. I would like to add however if you have a general sort of, framework if you may call it, wherein there must be willingness on the part of parliament with regards to setting in on issues of human rights.

The majority of parliaments expected to implement the policies of ruling government, it is natural, it is expected to implement economic policies and other policies of government. However, Mr. chair, when it comes to human rights, parliaments, parliamentarians, whether the majority or minority, should exercise independence from the executive branch. For me, that is a very important notion, as a point mentioned in the paper. They say that human rights transcends borders, that issues of human rights transcends borders. Because parliamentarians whether the minority or the majority have the responsibility to protect human rights, I would like to add that human rights should transcend political parties. Thank you Mr. Chair.

Chair: Thank you, Philippines and now we move on to Bangladesh's statements.

Bangladesh: Thank you Mr. Chairman, the main points made by the previously, that protects the role of parliament in safeguarding civilian rights. I'll touch upon a few things, political diversity implies within a country that the parliament is not *[unclear]*. We are conciliatory to the minorities on the basis of race, class, and religion. But there is one part we have not yet mentioned which we have discussed in other places, on the basis of prosecution on the basis of gender. I hope that there are people that will notice in many countries where the parliaments, functioning parliaments, on the basis of genders, peoples are being persecuted. Now when you talk about civilian rights, this aspect cannot be overlooked because it is a very serious pandemic. I hope this issue be taken care of.

Secondly, whenever a country or the government is involved, either by selection or by other means not protecting those who come into its arms, then the question is how do we intervene? My neighbouring country, Myanmar, the Rohingyans, people know about it, for last three to four decades have been persecuted. Thousands of them fled to our country. Many of them are now on a route to *[unclear]* to Myanmar. What has the international community done about it? I give you my friend from the United Kingdom who said if we are to discuss that if we are to discuss the use of force but don't take any extra, then the fate of those thousands of people who flee, not only from Myanmar, but other countries through great distances to unknown lands for decades after decades.

So when we talk of saving lives, we have to take these things into consideration. I have two suggestions, that we prepare a paper about what kind of legislation each parliament should pass. We can have a draft, each parliament can look through it, but there should be a uniform legislation which each parliament should pass and implement. That act should be binding on each country, unless you have a binding resolution that this is what should be done when one is in a *[unclear]* then nothing can be done, only on paper we cannot say enough. Secondly, our role should be in preventing *[unclear]* case, what should be done? Intervention literally, yes, if the British delegate has anywhere to *[unclear]*. The point of them becomes much more than what we *[unclear]* otherwise. Should we have to *[unclear]* and *[unclear]* My last part is, when the experience of the victims and the government is not taking action, international community has to take action, how much strength? and what authority the IPU has to prevent? Basically, we are a function of the united nations, so when from the IPU we agree on a set of principles and

guidelines, we have to interact with the United Nations so that *[unclear]* there has to be coordination between the IPU and the United Nations saving civilian lives. Thank you Mr. Chairman, *[unclear]* your remarks.

Chair: Thank you, so just to be clear, what you're suggesting is that there should be a modern legislation or a modern protocol, which the IPU has perhaps put forward and then each country customizes to their own circumstances and situation?

Bangladesh: Absolutely right, Mr. Chairman. That we should bond with some legislation, some act, model each country should customize to its own need. That should be standard, unless we have that kind of a thing, no country will be able...

Chair: South Africa was also hitting along similar lines to your own. Thank you for that suggestion, we now move on to Norway. After Norway we have Japan, China, Palestine, France, UAE, Haiti, Nigeria, Tunisia, Republic of Korea, and Ethiopia, and of course Zambia was also, Zambia raised it? And Zambia thank you. Okay so we'll now hear from Norway, thank you.

Norway: Thank you Chairman, I'm *[unclear]* from Norway. I think we have discussed many important items, that is good points for departure for discussions. I think most people would agree that responsibility to protect is a tool of great potential, to stop genocide, war crimes, crimes against humanity, and ethnic cleansing. But, as with most new concepts, the devil's in the details.

How do we put R2P into practice? I take the liberty of saying that there is a need for enforcement mechanisms to utilize the concept in concrete situations. And as one of the delegates pointed out, the use of force in the form of military intervention always carries the consequences of unintended casualties and instability. Such consequences of course negative in themselves, but they also have the potential to undermine this possibility to protect as a political instrument. In the case of Libya, where the UN Security Council issued a *[unclear]* paved the way for military intervention by NATO. Some people claim that this was a previous case where Western countries went far beyond the mandate, which achieved other than humanitarian objectives. The critics also argue that intervention was intended to break *[unclear]*. However, our points of departure has to be the amount of information available when the decision to allow for the use of military means was made. In the case of Libya, it was beyond reasonable doubt that Gaddafi's forces were about to commit mass killings. Should international community not reacted to this imminent threat to civilian lives, in my view the international community was right to intervene. But we have to acknowledge the fact that the military intervention will *[unclear]* unintended consequences, sometimes even negative consequences. To take Libya as an example, although much progress has been made since the fall of Gaddafi, there are still many steps with respect to commit to stability and the development of genuine democracy for all. Should this lead us to abstain from intervention for genocide, war crimes, crimes against humanity, and ethnic cleansing and similar? I think not. If there is one thing we have learned from the last decades is that the international community has been too resistant and too slow to intervene in crisis situations. I take the records *[unclear]* when

they ask questions with regards to the military interventions that have been undertaken under R2P banner so far. To overcome ... the articles they refer to, on the first page of the proposal, a problem that all too oft has hindered decisive action of the prompt of the weapons of the international community, I invite them to be more explicit in their recommendations and to make concern in forming recommendations should not be that the international community has intervene too often, on the contrary it should be that the international community has intervened too seldom. Thank you Mr. Chairman.

Moderator: Thank you, thank you Norway. *[Applause]* Now we move to Japan. Please, thank you.

Japan: Thank you Mr. Chairman. Representing the Japanese delegation, I was listening to all other speakers, although I had to go out a little bit. Lots of good points already made, I like to raise different aspect from other speakers. That is, the importance of journalism. Japan currently not going through genocide or other crimes of killing its population, we are as one of the members of the international community, we have to take actions also. Doing anything is a choice as your colleagues already pointed out, and to that, journalism is one of the most important tools because Parliament is elected by the people. And it is a strength and it is at the same time, a weakness because we are always facing our own constituency. Unless the constituency realizes the tragedy of other nations, it is very difficult for parliament to act on other country's tragedies.

And to give an example, last summer, we had a forty-year old, young Japanese female, journalist, who was an award-winning journalist trying to report the women and children's lives in Syria. And she was shot to be killed during the battle, and we learned that she was carrying a camera and one soldier was under camouflage was that there was a Japanese woman. And it was so easy in the battlefield that a woman was found and targeted, and she was really targeted from 20 metres or 30 metres away. And suddenly she was killed. We learned how hard the place was, the reason, later, we learned that the reason she was targeted was because she was a journalist. And journalists can dissimulate information to the world and then the international community could act. There is a tactics or strategy of those that are killing their own population. Therefore, we'd like to raise another aspect, that protecting journalists is another way to inform other countries and international community to act because not acting is a choice is a choice and we cannot afford that. Thank you so much for taking time to listen to us. Thank you.

Chair: Thank you Japan and for enriching this discussion with this added dimension. As you rightly pointed out, not all countries have these challenges and for a country that is not confronted with this challenge within its own territorial limits, how does it engage with this agenda? Thank you for your thoughts on intervention. We now move onto China move onto your intervention please.

China: *Translated from Mandarin.* Thank you Mr. Chair. I come from China, I am the representative of the Chinese National People's Congress as well as a member of the National People's Congress. I am a

university professor of law. In the United Nations, in one year's time-frame, discussion about the issue of responsibility in protecting the lives of civilians...I believe that we must first place our attention to basic situation, that the international order is experiencing complicated chances, but the United Nations purpose and function have not changed. The basics of international relations and law have also not changed. The United Nations have already specifically discussed the responsibility to protect. We should always adopt case-by-case approach. Parliaments have important role when it comes to R2P. The Chinese constitution supports human rights. Thank You.

Chair: Thank you, thank you China, and if you wish to share the script, with our co-rapporteurs, of your speech, please feel free to do so. Okay we now move on to Palestine and after that we have France, UAE, Haiti, Nigeria, Republic of Korea, Tunisia, Ethiopia, and Zambia. We now move on to Palestine.

Palestine: Thank you Mr. Chairman, and my thanks to all for the rapporteurs who presented us with a thoughtful, keen analysis of the situation present. It is true that the ways and means of establishing the responsibility to protect within parliaments is vitally important. We are faced with a new situation, which is beyond the control of a given parliament from the countries, the parliaments that we are addressing were asking to take measures so that legislations and legislators can protect civilians. That is the time when a people or a country is fallen under condition. We are sometimes faced with a parliament that is legislating against the protection, legislating against the safety, even the property, the right to worshipping, the right to move, all these things.

How can we confront this type of endangerment of the safety of the civilians, and how do we influence the given parliament to enact at least or at least not to act to deny the responsibility of protection to the civilians. We have cases where crimes against humanity, war crimes were committed so a report submitted by the United Nations Human Rights Council itself condemned, no action is taken to make sure that the condemned government is not enforcing the responsibility to protect. We have also cases where ethnic cleansing is being enacted by a certain parliament.

Say for example in the city of Jerusalem, you have the Palestinian Arabs, total 57% of the east and west population of Jerusalem. But you have the plan of the government, the local government of Jerusalem where the authority of Jerusalem is working to target of 20% Arab population in that city. That means there is a plan of ethnic cleansing underway. In our opinion, there are two ways of responsibility to protect, if it does not come from within then it has to come from somewhere else. And where better to come than the United Nations itself?

Where the Security Council itself, which was, when it was found back in 1945, was given the responsibility of ensuring safe international security and international peace. Now these parliaments who are conducting illegal legislation that are denying right to protect, should be influenced by other parliaments through whether of regional or international parliamentary organizations until they are taking action that ensure the responsibility to protect.

Second, other parliaments can influence also their own policies of endangering the safety or denying the responsibility to protect, where they can deny any endorsement or any agreement with any country that enact these policies that attacks, that denies, that carries out crimes...to make sure that there are enough influence to make the policies that the government is corrected and that lives of civilians are better protected. Thank you.

Moderator: Thank you once again, we now move onto France. Your inputs on intervention, thank you.

France: *Spoke in French* (summary) *We should give up the wrong vocabulary of “ethnic cleansing” because it sanitizes the crime. We should call it ethnic elimination instead. We should also give due attention to armed conflict which is closely linked to R2P crimes. The question comes down to how regional associations can help with the implementation of R2P. Capacities of parliaments are important.*

Moderator: France raised an important point about the capacities of parliament, because not all parliaments have similar capacities. Whether from the IPU we can some sort of a checklist or some sort assessment to see the extent of which parliaments are empowered to take action. Whether they have the capability to take action, I think also this also an important point which we may find in our report and resolution. So let's move on to the UAE, please a few minutes thank you.

UAE: In the name of God most mercy and to all my colleagues here, and if I may now speak in Arabic. *(Arabic) In the last while, we have seen an unprecedented phase of armed conflicts. We must also help Syria through relief efforts. Under international humanitarian law, we have obligations to help these cases.*

Moderator: Thank you UAE, we now move on to Haiti. Do we have the delegation? Okay, let's move onto Nigeria, please you have a few minutes, thank you.

Nigeria: Thank you Mr. Chairman. We are discussing the role of parliaments in safeguarding civilians. Parliaments, being a law-making body, Mr. Chairman, have a very important role in safeguarding the lives of civilians by exercising its independence. Because parliaments have to be independent first before it can pass, exercise, before it can save the lives of whatever, of the civilians.

In many countries, Mr. Chairman, civilians are very much in insecurity and it is a primary responsibility of the government to protect the lives of the civilians, *vis-a-vis*, the lives of the citizens first in times of war, conflicts, first in times of peace and this can only be possible if rules of law are enacted, and this is the primary responsibility of the legislators or the parliaments. It is the primary responsibilities of parliaments to enact law, it is the rule of law that governs the people, so governments have to use the rules of law to protect the lives of its citizens.

Mr. Chairman, at the opening of the conference you made a reference to the September meeting of the United Nations at New York, where we see an international responsibility to protect, that is an obligation to protect civilians in the face of war, of genocides, so parliaments should enact laws in conformity to international laws.

The laws that parliaments advance to protect their civilians live should go forward with international laws, that is like the international humanitarian laws, international human rights law, international criminal law, and international refugee law.

An advice, appropriate advice to government, and in advising the government, it should look upon the means of who, where, and at what rate, Mr. Chairman civilians populations, I will confine my arguments within this respectively, thank you Mr. Chairman. Let me say, Mr. Chairman, in Nigeria, the constitution of Nigeria, in section 33 of the constitution of Nigeria. The constitution of Nigeria section 33 provides that every person has the right to life, every person has the right of life. And no one should be deprived intentionally of his live, except in exclusion of the sentence of the court in respect of the criminal offence, of which he has been found guilty in Nigeria. I believe Mr. Chairman, let me say this, Parliaments as an integral arm of government...

For any military intervention, we have to remember that it is the last resort. So parliaments should look upon how to make laws that will give any means of military intervention, because military intervention as the last resort is the what is given, what is taken away - destruction of lives. Why give room? The slightest opportunity that we give to military would give destruction to lives and properties of civilians. Mr. Chairman.

Moderator: Thank you.

Nigeria: Thank you.

Moderator: Thank you, and of course other than passing laws, an important function of parliaments is to make sure that the laws are implemented. You know, there is no point in passing a law if it cannot be implemented. I think we are coming right towards the end, I have, is Korea here? Is Tunisia here? Yes? Okay, and then after that Ethiopia and then Zambia. And then we will go back to our rapporteurs and our expert panel for a round-up and a brief summary. Tunisia please, three minutes, thank you.

Tunisia: *Not In English*

Moderator: We have two more interventions from the delegations and then we will move on. I just like to make one quick announcement, and that is the event the IPU has tomorrow, it is around noon, there is a continuing relationship between the IPU and the United Nations and tomorrow is United Nations day. So at around noon, there will be an event with particular interest to parliamentarians, a handbook is going to be launched. This is a joint operation between the IPU and Parliamentarians for Nuclear Non-proliferation and Disarmament, so there will be the launch of the handbook at noon, this is at the main plenary hall. And this will be followed by a presentation of how we can use various tools and resources to promote this disarmament and non-proliferation.

Today's theme is about saving lives and protecting lives and I think when you look at the nuclear scenario and the potential loss in times of lives and damages not limited in time and space, this certainly is a worthwhile event for you to consider joining.

We now move on to Ethiopia, and then after that we have Zambia, and then we'll come back to the rapporteurs. So please confine your comments to three minutes, please. Ethiopia.

Ethiopia: Okay, thank you Mr. Chairman, and the Rapporteurs. Mr. Chairman, though the United Nations Charter expresses out how to deal with the atrocities today. The complexities of situations today require appropriate tools and mechanisms for the responsibility to protect civilians from threats. Atrocity committed against civilians post threat to international peace and security.

Concerns have been expressed by a number of countries that the concept of responsibility to protect has given to be applied and seriously abused. Thus, compromising the countries who blocked the sovereignty of states and the United Nations charter of integrity, and non-interference in the domestic affairs of countries.

It is this background that the head of states, and governments, manage their privilege at the United Nations 2005 World Summit assembly, that each nation has the responsibility to protect its population from genocide, war crimes, ethnic cleansing, crimes against humanity. The issue at hand is how to prevent the principle of the responsibility to protect without any political or national interest. Hence, the more progress that the states made to watch the inclusion of the responsibility to protect in their legislation, policies, practice, attitudes, and institutions.

According to the Ethiopian parliaments, an abject proclamation against terrorism and related acts, and the people of Ethiopia and the government of Ethiopia is during this never rest in giving peace and security across the country and the regional level. As you know, the airplane that went over the region of ... over the Sudanese border and Somalia and so on. Hence, the Ethiopian government believe that it is key to conduct all the international deliberations of responsibility to protect so discussions and deliberations about rationality with politicians deliberating R2P.

Moderator: Thank you, now we move to the final intervention from Zambia, please, then we can quickly move on to the next part. Zambia please, three minutes.

Zambia: Thank you, Chair. My name is _____. And the Zambian, Zambian time few minutes from now, Zambia will be celebrating its independence, our 80th anniversary. the key word is civilians and our responsibility to protect all its civilian and from neighbouring countries. From its neighbours the key word, sovereign country and the international body must have...because the civilian an innocent. But, the interest of they who are powerful sometimes overrides over they whole are weak, it is those interest of which sometimes this innocence has also to the interests of they who are powerful, they we will not give blank sheets...

Moderator: Thank you, and congratulations on your independence. Okay, now we have come to the end of the interventions from the floor, I would like to finish on time and the delegates have had a very, very long day. We of course, acknowledge with appreciation the tremendous work they have done throughout the day. So what I would like to do is go quickly around the table and stop with our two rapporteurs.

Within a minute, if you could just give your responses, obviously it's not possible to respond to each of the points that have been raised. But I think you have and I've seen you take notes. So all of the points have been duly noted, so it's then a question of how we arrange our report and then move on to resolution. So Leonard, would you like to go first and then we will have Serge?

South African Rapporteur: Thank you, thank you very much Mr. President. Let me say and thank all the honourable members for their valuable input in the discussion. I do want to say that we have taken notes of some suggestions that have been made but it is not going to be possible to answer every detail of what interventions that have been received thus far.

However, most of the interventions are beginning to help us think forward about what we are going to focus on for the resolution. There have been a number of speakers that are speaking about mechanism that enables the parliamentarians to help oversight.

And many speakers are speaking about legislation that we need to have legislation that empowers all the respective nation-states in parliament to this oversight. I think one should say, it is probably safe to say the rules in to us the resolution in Ecuador... It will begin to help us understand the policy outlook in terms of what type of mechanism we want to use to act.

It may be too early in this stage to conclude that what you need is legislation. It is certainly helping us to think in more broad terms, in terms of what type of mechanism, because we need to remember that these are the suggestions that different states and parliaments would have to consider. So I think the resolution would help us, I just think that heading to speaking about mechanism, legislation and power. Yes, indeed parliament has the right to react, but that is a process that has to be formed by the resolution that we will be getting into.

There are a number of issues, that poses the questions about who decides what are the criteria in both papers. That this detail of criteria including the preventions, those criteria that begins to help us to say what are the things we need to do before you activate a military response. So if you take care of time of getting whenever you find that many of the issues have been taken care of with that.

The issue about the role of IPU in terms of the implementation, in terms of the R2P, I think what we are saying is most of the, if we look at the recommendations that we began to make. Those nine thoughts, it begins to talk about parliaments, parliaments as individual parliaments that makes up the body of IPU, I think that's where we need to look. So I think that I would like to presently...where we find in the resolutions that have been put forth. Thank you very much.

Mr. Janquin: *Spoke in French*

Moderator: Thank you, and now ten minutes for outside the realm of the parliament, but certainly very well-respected. Your brief thoughts and comments please, Tina do you want to go ahead?

Ms.Park:I would like to emphasize that R2P has come a far away in the short span of life that it has had. And considering how remarkably important the concept is, I urge you to consider getting more involved in both the education and advocacy aspect of R2P. Countries like Canada, which once was a champion of R2P, is no longer acting in that leadership role. We need more countries from different parts of the world, to take the initiative to mention R2P whenever possible and engage in educational efforts. As mentioned by many countries, prevention is the most important pillar of R2P and we do have to make sure that regional organizations work with your national governments in ensuring that when there is a crisis going on, effective interventions take place before it escalates. Thank you.

Dr.Luck:Four quick points which I think I can do within one minute, actually. I think there is a misapprehension from some of the comments I've heard about whether a state has the capacity to protect its populations, whether a state has the will to protect its populations.

There is no discussion in the outcome document as agreed at World Summit about intentions, about will, or about capacity. The standard is very simple, is the state manifestly failing to protect its populations?

The question is performance, if a state is failing to protect its populations then there is to be a timely, decisive international response. There's no judgement as to what the intent was, what the capacity was, either you protect populations or you don't.

Second, I think it's noting as well that while we have reason to be concerned about the misuse of the responsibility to protect, I really see really very little evidence of that misuse. There is a lot of discussion of casualties and other things in responsibility while protecting, which I think is appropriate. But on the other hand, the only time that R2P has been used in an enforcement situation in terms of military enforcement was Libya, and there have been a lot of studies which have showed that, actually, the targeting was very, very, very careful.

Unfortunately, there were casualties and that large number, in our estimate, is at least tens of thousands of people's lives were saved because of that particular intervention. I think there are lots and lots of safeguards built into R2P. The problem is that there's never been countries who want to rush up to save populations. They look for every excuse not to do, and I think we should recognize that.

Third there were two twists that we added that were not part of the agreement of 2005, which I think irrelevant to a lot of things said today. One we added that the same standards should be applied to non-state actors, that states are not the only ones who commit these kinds of crimes and groups like the Lord's Resistance Army and others ought to be held to the same standard in terms of their treatment of populations, also the question of occupation was raised at several points.

While there is no mention of occupation in the outcome document, we felt that the logic of R2P was that if a country occupied territories, it has those same responsibilities in those territories and we said that many times. I mean look at all the cases or have looked at all the cases based on the crimes, not based on the personalities or countries involved.

Finally, a question of wording which I think is important. I heard a lot of references to citizens and even more references to civilians. I think it very important that the heads of state and government in 2005 used the word populations. We've seen cases, in Cote d'Ivoire was one of them, where the question of who is and is not considered to be a citizen was part of the bone of contention in terms of repressing parts of the population. So using citizen, I think is a very damaging word to use. Civilians I can understand, but that gets confused with protection of civilians, mandates that they have for peacekeeping, and civilian term is important in a war situation. It's not particularly relevant in peacetime situation where these crimes are created. So I think if you could use a broader term like they did in the outcome document, populations, that includes everyone in your territory whether they legal or illegal, immigrants or citizens or whatever. If they're on your population, you have that responsibility. And I hope you stick to that standard instead of watering it down using terms like citizens or civilians. Thank you very much.

Moderator: Thank you Ed, we have almost come to the end of this session. Normally, the job of the chair is to summarize the discussion, but I'm not really going to attempt to do that because it's not possible to summarize. What I will say for your reference, is that there is no outcome document that comes of a panel discussion of the type that we have had. You'll be pleased to know that all of your interventions will go into the proceedings, so in terms of the various countries, the delegations will be identified, the summary of what you have said, the essence of what you have said will in fact be recorded and that will be in the IPU website and the IPU records. Where we go from here of course is that we need to move along with the task of drafting the resolution. And I think that the challenge that the rapporteurs have, is having benefited from this panel discussion, having heard our experts, they really have to capture the spirit and essence of the discussions. Remember, the IPU is very much a member driven process, it is really the inputs that you have given today, which goes into the content in terms of the resolution.

So anything else that you have to enrich it with, if you still wish to make any written submissions, you have until the end of the month. So the draft papers that have gone out, if you feel there is any other point that you feel really strongly about, you can write to the secretariat and in fact give a written submission. We are hoping that by the end of the year, we will have some type of draft resolution, and of course the final report. And when we meet in Ecuador, in Quito, this is in March 22nd, March 22nd to March 27th, that is when we will be finalizing the task of the resolution. But I think based on the inputs that we have heard today, yes it is a challenge for the rapporteurs, but I think they have a lot of content. What I think this session has done, at least for some of us, maybe we did not have absolute clarity with regards to what the responsibility to protect involves, and I think we had that awareness, the issue of awareness is there. I encourage all fellow parliamentarians to engage with this issue, that you know even when once we are done with the assembly. Because as parliamentarians our primary function and responsibility is to look after the safety, security, and well-being of our constituents.

And there is no greater opportunity to do that than to actually protect the lives of the population that we have heard. I would like to thank our rapporteurs, they have done an excellent job that has raised the expectation bar, that we are expecting something even more remarkable when it comes to the resolution.

I would like to thank our two expert panelists and Laurence, who has assisted me. Hopefully we have not left out anyone or didn't recognize anyone who wanted to speak, the interpreters who do a great job and they've done that today, trying to interpret and trying to stay with the flow discussions, and last but not least, all of you, especially those who are here at the end of the day, for your commitment, your devotion, and your sincerity, as far as this subject is concerned. And with those words, I close the panel discussion of the First Standing Committee of the Inter-Parliamentary Union. Thank you.