

Responsibility to Protect: The Role of Parliament in Safeguarding Civilians' Lives

127th IPU Assembly in Quebec City, Canada

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Opening Remarks by Tina Park

Good afternoon everyone and thank you so much for inviting me here.

Given the **crucial roles** that **parliamentarians** could play in implementing R2P, I commend the **organizers of the IPU assembly** for convening this panel.

Dialogues and **debates** amongst political leaders are critical steps towards giving **tangible meaning to R2P**, as the Secretary-General Ban Ki Moon urged us to do.

It is such a privilege to be on this panel with two very **distinguished parliamentarians from France and South Africa**, and particularly with **Dr. Edward Luck**.

There are **few people** in this world **who can speak more authoritatively** on R2P than Dr. Luck. **Dr. Luck**, thank you so much for your **incredible contributions** to the **development and advocacy of R2P**, not only through your **distinguished career at the UN** but also through your many **writings as a scholar of international relations**.

Our **two rapporteurs** have provided us with **very insightful reports** on the role of parliament in enforcing R2P.

Based on these reports, what I intend to do today is to **highlight some key criticisms and challenges facing R2P** and make some **suggestions** on how you could **help** with the **implementation** of R2P at **institutional and political levels**.

1) Conceptual evolutions from 2001-> 2005 -> 2009 -> TODAY

- First, let us begin with **conceptual challenges**, which stems from the fact that **R2P is a relatively young principle in international relations** – last year marked the 10th anniversary since the concept was born.
- Some critics have charged that the **R2P as a principle lacks coherency and consistency**. Some dissenting states argue that **R2P as envisioned in 2001 is not what we have today**.
- It is important to note from the outset that **R2P is a complex and evolving principle**.
- When Mr. Kofi Annan called the UN members to forge a new consensus on humanitarian intervention in 1999, the Canadian government enthusiastically took on this challenge in sponsoring the ICISS. The ICISS report on R2P marked a departure from a political paralysis against humanitarian interventions towards effective interventions, using the United Nations as the main channel.
- The version first articulated by the ICISS in 2001 was **narrowed down significantly in the 2005 World Summit Outcome document** for political consensus. The paragraphs 138 and 139 were significant not only because of **unanimous endorsement from the heads of states and governments**, but also because it **clarified when, how and under whose authority international intervention should occur**.
- Then in 2009, the UN Secretary General's report on the implementation of R2P further developed the three pillars, based on the **protection responsibilities of the state, the international assistance and capacity-building, and timely and decisive response**.
- **These pillars are to be employed simultaneously as needed** – and if the pillar one and two work very efficiently, the third pillar might not even have to be employed.
- In July 2011, the General Assembly held an informal interactive dialogue on the “**Role of regional and sub-regional arrangements in implementing R2P**”. The SG's report emphasizes how **global-regional collaboration is essential for making R2P a reality**.

- The **Brazilian concept of Responsibility While Protecting**, RWP, first articulated in the fall of 2011, makes an important contribution to the protection of civilians. The document focused upon three major issues: **needing to improve the monitoring and assessment of UN Security Council sanctioned use of force**; raising questions about the sequencing of **R2P's three pillars**; and **stressing the need to exhaust all peaceful means before considering the use of force**.
- Last month, the **Secretary General presented his report on the R2P: Timely and decisive response at the 4th annual dialogue on R2P in the General Assembly**. The report examined the **range of tools** available under the **third pillar of R2P**, **partners available for implementation** and the **close connection between prevention and response**.
- We must remember, therefore, that the conceptual evolution of R2P is an **on-going process** that can **help solidify the intellectual foundations** of this emerging norm. Just like the **RwP which emerged in light of controversies surrounding the Libyan intervention**, 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**.

2) Middle East & R2P: Use of Force, Selectivity & the Prevention Pillar

- In the context of **recent uprisings in the Middle East**, many critics have voiced concerns about the **use of force** and **selectivity** aspect of implementing R2P.
- **Despite its explicit reference to R2P**, the UN involvement on Libya has been criticized that the **western countries intervened for strategic interests** such as oil. But the fact of the matter is that **Libya only has about 2% of the world's oil**.
- To be frank, we must recognize that **strategic interests sometimes do align with humanitarian concerns**, and this is not necessarily a bad thing. Instead we need to be **more realistic about the possibility of selectivity** in intervention and be **more proactive about developing tools and mechanisms**, to ensure that **humanitarian concerns take priority over national interests**.
- **Pillar Three**, which involves the use of military force if necessary, is often the **most contentious aspect of R2P** and the regime change in Libya certainly fuelled such concerns.
- However, **the use of force may prove to be critical to protecting populations** under certain compelling circumstances. We need to go only as far as the **Rwandan genocide** to remember that **sometimes, use of force is really the most effective form of intervention**.
- **Moving away from the permissibility of force**, we should focus more on the **early warning system at national and regional levels** and use all possible **tools to stop mass atrocities from early stage**.
- This **prevention aspect of R2P** is really the most important element of R2P, because we know that **interventions will almost always be controversial** and the **resulting deadlocks**, particularly in light of the **veto power by the Security Council members**, could **delay effective intervention**.
- Despite the controversy that resulted from the Libyan intervention, **the willingness of the international community to emphasize the R2P language** should be recognized. These real-life test cases of R2P will ultimately prove useful in **clarifying the R2P in the future**.

3) R2P & International Law

- Lastly, since R2P today is currently perceived as a political commitment to act upon shared moral beliefs, some dissenters of R2P argue that R2P is an **enemy of sovereignty**.
- We must to remember much of R2P's **normative roots are already firmly embedded and entrenched in international law** and that **R2P is an ally of sovereignty**.
- **Philosophically**, of course, **sovereignty as a responsibility is as old as 17th century texts like the Leviathan**.
- More recently, “**sovereignty as a responsibility**” is a concept coined by **Francis Deng in his work for the internally displaced persons** and forms a central foundation of the Guiding Principles on IDPs.
- The **four crimes covered under the R2P paragraphs from 2005** are well-recognized as **international crimes**, entailing **responsibilities** (under both treaty and customary international law) **for states to prevent and punish**.
- The **protection of civilians** consists not only of **human rights law but also humanitarian law, international criminal law and refugee law**.¹
- **Racial discrimination**, which is an innate part of ethnic cleansing, is **prohibited under both treaty and customary law** and constitutes a peremptory and non-derogable norm. It is also important to highlight that the UN Charter supports the principle of non-discrimination.
- This year marks the tenth anniversary of the **Rome Statute of the International Criminal Court**. The ICC and R2P share a strong connection, in a sense that the ICC can act as a deterrent to the commission of mass atrocity crimes.
- **Hence, the R2P concept, while revolutionary, is not an entirely new phenomenon** and we must recognize our collective responsibilities stemming from these international legal obligations.

¹ We can go back to the 1948 Universal Declaration of Human Rights, four Geneva conventions, the Geneva Conventions of 1949 and two additional protocols on international humanitarian law in armed conflict; the 1948 convention on the Prevention and Punishment of the Crime of Genocide, two 1966 International Covenants on Civil and Political and Social, Economic Cultural Rights, as well as the 1998 Rome Statute of the International Criminal Court. While ethnic cleansing does not have the same status of being a recognized international crime in its own right, it still constitutes a criminal act under international humanitarian law.

Now, I would like to move on to some tangible suggestions on how you could help with the implementation of R2P.

1) Establish a focal point within the national government for R2P-related matters

- The **R2P Focal Points** is an **initiative** launched in **2010** and led by the governments of **Ghana, Denmark, Costa Rica, and Australia** in association with the **Global Centre for the Responsibility to Protect**.
- It calls upon 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** and effectively respond to imminent or actual mass atrocities.
- At national and regional levels, there are compelling reasons to identify at-risk scenarios. In many cases, a state does not suddenly become genocidal – it is generally an incremental practice, often requiring collaboration between individual and collective actors.
- The Focal Points initiative recognizes that regional players are very important in the implementation of R2P and is particularly useful for engaging with all three pillars of R2P. It also seeks to **promote international cooperation** through a **global network of R2P Focal Points**.
- There are currently **17 countries that belong to R2P Focal Points** (namely **Argentina, Australia, Belgium, Costa Rica, Czech Republic, Denmark, France, Ghana, Guatemala, Italy, Ireland, the Netherlands, Sweden, Switzerland, the United Kingdom, the United States and Uruguay**). Recently, Slovenia and Cote d'Ivoire expressed their intention to join the R2P Focal Points.
- At the second annual meeting of the network of National R2P Focal points, the participants exchanged ideas on how to better coordinate future efforts to increase capacities to assess risks, warn against, prevent and halt mass atrocities, including through national outreach and educational efforts.
- The **R2P Focal Point can be extremely useful in integrating atrocity prevention within national policy and applying R2P lens to on-going internal and external policy development. It could serve as a 'hub' for analysis, policy input and intergovernmental coordination on all R2P-related issues and I strongly urge that you encourage your national government to take part in this important initiative.**

2) Education: Generating R2P knowledge base is important

- Despite its enormous significant in international relations, 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 share 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 for R2P scenarios and hold governments accountable (and speak out when R2P is misused or abused);
- You can also help by providing **institutional and financial support** to research groups and civil society networks so that the young minds can also engage with R2P.
- It is important that **R2P does not become a partisan issue.** Parliamentarians should make every effort to support higher education institutions when it comes to human rights education and actively sponsor local and regional civil society groups on R2P research.
- My own centre, the **Canadian Centre for R2P**, was born precisely because we recognized a missing link between the leadership role that Canada once played in the formation of R2P and the lack of educational and research efforts on this enormously important principle.
- We are now based at the Munk School of University of Toronto and made up of about 50 undergraduate and graduate students analyzing various aspects of R2P. One of the founding patrons of our Centre is the Honourable Bill Graham, a former MP of Rosedale Toronto riding and a former Minister of Foreign Affairs and Defense in the Canadian government.
- Thanks to the enthusiastic works of our analysts, we have recently launched **R2Plive.org**, a real-time, online, global porter of R2P-related matters to be made available in all UN languages. Many other groups, such as the Global Centre for R2P offer excellent databases to track the latest developments on R2P in various realms of government, UN, civil society, media.
- More effort needs to be made at the **national and regional levels** to ensure that there is a **concrete knowledge base for R2P** that is accessible to anyone interested.

3) **ADVOCACY: As members of parliaments, you are uniquely suited to engage with the advocacy aspect of R2P.**

- You can make reference to R2P in policy reports and statements and other government publications
- The 67th session of the UN General Assembly last month saw 24 countries referring to R2P directly in their statements. Of those, 17 states affirmed their strong support for R2P and called for its implementation.
- In response to the ongoing crisis in Syria, 117 countries expressed concern for the plight of civilians facing mass atrocities. The vast majority called upon the UN Security Council and international community to do more to help prevent further mass atrocity crimes and protect populations at risk.
- I urge you to advocate for strengthening of national and regional institutions to protect populations from mass atrocities and strengthen national institutions and government capacity for protecting populations in peril.
- **R2P Ministerial Meeting:** Just about a month ago, the 5th Annual Ministerial Meeting on R2P took place. It focused on how we can operationalize the preventive dimension of R2P, and discussed full range of preventive options, including long term structural measures such as good governance, human rights, the promotion of socioeconomic development and the national R2P Focal Points initiative.
- **National mechanisms for implementing R2P must involve both state and non-state actors.**
- You can convene regular dialogues with **civil society groups** working on R2P at municipal, regional and national levels and adopt relevant legislature at local level
- You can help building a constituency of support for R2P and working closely with the **local media** to generate public awareness.
- You should also mediate, negotiate and resolve disputes at local levels and encourage disputing parties to resolve crises in a non-violent manner and support and enhance domestic and regional justice systems by monitoring the work of and providing legal support to judicial institutions;
- A key challenge in the implementation of R2P is the gap between coordination and response in conflict prevention and resolution. This is where partnership really matters and cooperation between national parliaments will prove instrumental. Regional organizations and networks should play active role in the implementation of R2P, particularly given the prevailing concerns about the “western” face of R2P.

- Let me give you an example: the **Regional Policy Forum on R2P** was held in June this year in Nigeria. The main goal of this forum was to raise awareness of R2P principle within the region and to examine existing ECOWAS (*Economic Community Of West African States*) policies and institutions for protecting populations against mass atrocities.
- The Forum also aimed at identifying frameworks, institutions, and practices within ECOWAS for prevention and effective response to mass atrocities. This regional forum brought together about 60 international, regional, and national participants from public and private sectors, UN, regional organizations, the diplomatic community, as well as national and international civil society organizations.
- Africa has made commendable progress in the implementation of R2P through Article 4 of the African Union Charter and continued efforts of ECOWAS to collaborate with international institutions.
- More effort needs to be made to define the kind of relationship between national, regional and international actors in the implementation of R2P.

Conclusion (3 minutes at the end)

- Since our collective pledge to ‘never again’ fail in our responsibility to protect the vulnerable populations, we have repeatedly failed in the face of mass atrocities taking place around the world.
- But with every failure, I believe we have learned a different lesson.
- Since its inception in 2001 and the endorsement made by the leaders of the world in 2005, R2P has traveled a long journey in the realm of international relations, becoming an emerging norm in just over a decade.
- This is a remarkably fast process considering how long it takes for most principles to become accepted in IR.
- Countries like Canada which played leadership role on human security issues based, including sponsoring the ICISS board that gave birth to R2P principle and building consensus on the R2P paragraphs at the 2005 World Summit, no longer serves as a champion of R2P.
- Given its track record of success for creating new ideas, deploying peacekeeping troops and forming like-minded allies towards global humanitarianism, it is crucial that countries like Canada move beyond a limited and symbolic rhetoric on protection issues and re-claim a leadership role on this important Canadian intellectual legacy.
- We also desperately need new champions and new leaders for R2P from Africa, Middle East, Europe, Asia and South America so that R2P does not remain the rhetoric of powerful western countries.
- To this date, we frankly do not have a clear “success story” of implementing R2P. The diplomatic intervention in Kenya’s post-election crisis is often cited as the most successful case to this date. In the future, R2P will need to prove its usefulness and strength in cases that require more than the diplomatic efforts and be willing to use force when absolutely necessary. With the recent uprisings in the Middle East, we saw dire situations and desperate need to apply R2P. Yet, vulnerable populations in Syria are being killed every day, even as we debate here.
- R2P, let me emphasize again, is most effective at the prevention level and the use of force is the last resort. R2P is not synonymous with the regime change we saw in Libya and we should not let that stop us from further considering R2P in times of crisis.
- We have to listen carefully to the voices of critics and dissenters when it comes to the scope of R2P, while also remembering that R2P is already well-entrenched in the international legal regime.

- The Brazilian concept of “Responsibility while Protecting” is a positive contribution to R2P, particularly given the common misconception that R2P can be misused by the more powerful ‘western’ powers. In line with this concept, we need to make more concerted efforts to engage in R2P debates and draw lessons from various mass atrocity situations around the world.
- Achieving conceptual clarity on R2P across regions is absolutely necessary before R2P can become an operational norm.
- We have to work hard at the municipal, national and regional levels to solidify the regional mechanisms for prevention and response when it comes to mass atrocities. The gap between international law and R2P is actually smaller than often imagined because the four crimes covered under R2P as endorsed in 2005 are already well-entrenched in the existing international legal regime.
- We have to keep in mind that implanting R2P is an incremental and evolving process, measured by individual nation state’s priorities and existing capacities at the regional and global level.
- Though each situation will call for a different set of priorities and action, R2P’s three-pillar framework has implications for national policy that cuts across a diverse spectrum of governance structures.
- Institutions critical to ensuring domestic protection, building capacity and responding as appropriate to international atrocity threats include not only the foreign ministries but also interior ministries, security and justice structures, legislative bodies, economic management authorities, foreign assistance bureaus, to name only a few.

- Most importantly, R2P faces some serious implementation challenges before it can become an operational doctrine.

- The on-going atrocities in Syria is a case in point of how problems of the Security Council veto power, coordination between the UN and regional actors, and the lack of hard-power military forces and domestic political will, could interfere in the implementation of R2P.

- At least 30,000 people have died in Syria's 18-month-old uprising. The Human Rights Watch said this morning that Syria’s air force is continuing to drop cluster bombs on towns across five governorates despite the Syrian army’s denial that it is using them.

- More than 100,000 Syrian refugees have registered in Lebanon, according to the UNHCR. Despite the rapidly rising death toll, international powers are stuck in a diplomatic stalemate. Western powers and Gulf Arab states back the opposition, while Russia, China and Iran are backing Assad.
- The UN is prepared to send peacekeepers to Syria if a ceasefire can be negotiated by international envoy Lakhdar Brahimi, but has not indicated how many and when.
- The death toll in Syria is staggering and the destruction is reaching catastrophic proportions. The civilians are being killed every day. Large-scale human rights violations, including torture and execution of prisoners are taking place. Many Syrians are trying desperately to escape, invoking on our responsibilities under refugee law, humanitarian law, human rights law, and international criminal law.
- The situation in Syria is calling for desperate help from the international community. The intervention from the international community can only be effective if we all pull in the same direction and R2P can be used as a tool for mobilization. We all share the responsibility in extending protection to population at risk.
- Rwanda's Minister of Foreign Affairs declared that despite the long distance between Kigali and Damascus, "Rwanda and Syria share the same experience." We must stop another failure of humanity take place in front of our watch.
- There is no guarantee that our aspirations to move R2P from rhetoric to reality will succeed in the foreseeable future. But as our UN Secretary General put it so powerfully, our first responsibility is to give it a try.