

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

Resolution adopted by consensus by the 128th IPU Assembly
(Quito, 27 March 2013)*

The 128th Assembly of the Inter-Parliamentary Union,

Acknowledging that, following several global initiatives, the responsibility to protect was recognized at the 2005 World Summit as a necessary and important principle to prevent, and protect populations from, genocide, ethnic cleansing, war crimes and crimes against humanity,

Recalling that this principle was established with a view to preventing genocides such as those that occurred in Srebrenica and Rwanda,

Also recalling that the UN Security Council considers that the international crimes of genocide, war crimes, ethnic cleansing and crimes against humanity constitute threats to international peace and security and that the principle of the responsibility to protect was reaffirmed in its resolution 1674 (2006), which addressed the protection of civilians in situations of armed conflict,

Stressing that any decision related to the application of the responsibility to protect must be taken in a timely and decisive manner, through the UN Security Council, in accordance with the Charter of the United Nations, in particular its Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and that any such action must be accompanied by the provision of adequate means to protect civilians, by giving priority to peaceful means,

Underscoring the special plight of women and children in situations of armed conflict,

Recalling that rape and other forms of sexual violence can constitute crimes against humanity under the provisions of UN Security Council resolutions on women and peace and security (1325, 1888 and 1960) and, in particular, resolution 1820, which recognizes that rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide,

Mindful of the fact that the responsibility to protect is based on three pillars: the permanent responsibility of each individual State to protect its population, whether nationals or not, from genocide, war crimes, ethnic cleansing and crimes against humanity, which entails the prevention of such crimes, including their incitement, through appropriate and necessary means; the international community's commitment to assist and help to build the capacity of States to fulfill this obligation; and its commitment to take collective action in a timely and decisive manner when national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity,

Underscoring the importance of combating impunity in the case of perpetrators and instigators of the most serious crimes of concern to the international community and *recognizing* the contribution in this field of the International Criminal Court (ICC); *also underscoring* the need to raise awareness of the role played by the ICC, to encourage reporting of and filing of complaints against the perpetrators of such crimes with the appropriate national authorities and the ICC, and to enhance the capacity of national authorities to respond to complaints, pursue justice, and cooperate and coordinate with the ICC, while recognizing the important contribution of those involved in providing the necessary evidence and sufficient information to the ICC,

Recalling that paragraph 139 of the 2005 World Summit Outcome Document states that "the international community, through the United Nations, also has a responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the UN Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity"; *expressing* its willingness in this context to take collective action, in a timely and decisive manner, through the UN Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity; *stressing* the need for the UN General Assembly to pursue its consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law; and *undertaking*, as necessary and appropriate, to help States

build their capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assist those in distress before crises and conflicts break out,

Aware of the concerns raised regarding the possibility of selective enforcement of the responsibility to protect and *underscoring* that the need to protect should not be seen as providing a pretext for interference in the internal affairs of a State on the basis of political and other extraneous considerations,

Reaffirming that the UN Security Council has primary responsibility in the maintenance of international peace and security and *noting* the role of the UN General Assembly relating to the maintenance of international peace and security in accordance with the relevant provisions of the Charter,

Underscoring that prevention is a core aspect of the responsibility to protect and *stressing* the importance of education, the role of the media and the need to address the root causes of armed conflict,

Recognizing that, before any military intervention is authorized by the UN Security Council, it should give due consideration to all other avenues for action under Chapters VI, VII and VIII of the Charter of the United Nations and *mindful* that the responsibility to protect should be invoked only in order to prevent, or to protect populations from, genocide, war crimes, ethnic cleansing and crimes against humanity,

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

Convinced that parliaments around the world should consider ways and means to apply and implement the responsibility to protect in a timely, consistent and effective manner in order to avoid a situation where the international community is deadlocked over whether and how to act to prevent or to stop the massacre of civilians, having particular regard to UN Security Council resolutions on women and peace and security and on children and armed conflict,

Recalling that the 126th IPU Assembly (Kampala, 2012) adopted a resolution by consensus calling for the immediate cessation of violence and human rights violations and abuses in the Syrian Arab Republic and for support for the efforts of international and regional organizations to bring about a peaceful end to the crisis, and urging the United Nations and the League of Arab States to redouble their efforts to help bring an end to armed violence in the country and address the current humanitarian crisis, and to work urgently to address all aspects related to the problem of displaced Syrians on the border with neighboring countries,

Convinced that parliaments should be more involved in applying the responsibility to protect and, in particular, that their role in safeguarding the lives and security of their populations entails thorough consideration and action to prevent or stop genocide, ethnic cleansing, war crimes and crimes against humanity,

Also convinced that mutual support between parliament, government, civil society and the judiciary may effectively help to enhance human rights protection,

Aware that restoring or maintaining peace in regions subjected to insecurity and violence requires considerable financial resources,

Convinced of the broader need for State authorities and parliaments to address the root causes of armed conflict and mass atrocities, by practicing good governance and ensuring accountable public institutions, promoting and protecting human rights for all, guaranteeing the rule of law and fair, equal and impartial access to justice, professional and democratically accountable security services, inclusive economic growth and respect for diversity,

Underscoring the responsibility of the United Nations in ensuring respect for the rights of refugees in accordance with the Geneva Convention Relating to the Status of Refugees,

Also underscoring that the role of parliament in the application of the responsibility to protect should be based on respect for the different legislative and executive roles and that oversight of the executive should be in line with democratic principles, in particular the protection and promotion of human rights, while *noting* that parliaments have their own tools and committees for addressing issues related to the responsibility to protect,

1. *Invites* parliaments and parliamentarians to use all the public education and awareness-raising tools at their disposal to help prevent and put an end to genocide, war crimes, ethnic cleansing and crimes

- against humanity, paying particular attention to the plight of women and children, and to address issues related to the root causes of armed conflict;
2. *Calls* on parliamentarians to use all the tools at their disposal, including social media, to denounce acts of violence against women and children and fight impunity;
 3. *Urges* parliaments to ensure that their governments protect populations, whether or not the nationals of their countries, from genocide, war crimes, ethnic cleansing and crimes against humanity, and *also urges* parliaments and governments to assist and build the capacity of States to prevent the commission of genocide, ethnic cleansing, war crimes and crimes against humanity and protect their populations, whether or not their own, from them and, where necessary, to engage in timely and decisive action, in accordance with the UN Charter, to prevent or put an end to such crimes;
 4. *Calls* on parliaments to step up their oversight of government action to combat terrorism and implement UN Security Council resolutions adopted under Chapter VII of the UN Charter, which call on States to refrain from financing terrorists, facilitating their movement and aiding terrorism;
 5. *Also calls* on parliaments to adopt laws and policies to protect women and children, to prevent and criminalize sexual violence and to provide redress for victims in times of peace and conflict;
 6. *Encourages* parliaments to become acquainted with their States' obligations under international treaties and resolutions, to monitor the executive's submission of country reports as required by the relevant treaty bodies, particularly those relating to human rights, to become more involved with regional and international human rights mechanisms and to ensure that all United Nations doctrines and resolutions regarding the responsibility to protect are fully applied and respected by every country;
 7. *Calls* on parliaments where necessary to ensure that all international treaties to which their country is party are incorporated in domestic law, giving priority to treaties dealing with human rights and the protection of civilians, especially those applicable to the rights and protection of women and children during and after armed conflicts and other crises;
 8. *Urges* all parliaments to adopt measures to respect the rights of civilians caught up in armed conflicts, ensure adequate and effective judicial remedies, including efficient investigation and prosecution, treat women and child victims with dignity, and guarantee reparation to victims;
 9. *Encourages* parliaments to adopt programmes to help child soldiers resume a normal life;
 10. *Calls* on parliaments to take all the necessary measures to bring their countries' criminal and military law into line with international norms on the protection of civilians in armed conflict and to ensure that the perpetrators of the most serious crimes are held to account for their acts before a national court or, where a State is unwilling or genuinely unable to take action, before the International Criminal Court, in the case of a State Party to the Rome Statute;
 11. *Urges* parliamentarians to use their international network to promote the universal ratification of the Rome Statute, which recognizes the competence of the International Criminal Court with regard to crimes of genocide, crimes against humanity and war crimes; *requests* parliaments to ensure that their governments sign the Rome Statute; and *calls* on all parliaments that have not already done so to ratify it;
 12. *Also urges* parliaments to promote debate on an arms trade treaty in order to put an end to the transfer of weapons in cases where there is a high risk that such weapons will be used to commit or facilitate violations of human rights or international humanitarian law or to hinder the fight against poverty;
 13. *Calls* on all parliaments that have not yet done so to establish committees to oversee international relations and provide such committees with sufficient financial and human resources and adequate time on the parliamentary agenda to conduct their work;
 14. *Encourages* parliaments to ensure that the protection of human rights, including those of women and children, members of minorities and indigenous peoples, is guaranteed in domestic law and implemented in practice;
 15. *Urges* parliaments and governments to guarantee the human rights of women and further enhance their role in peace and security initiatives, honour existing international commitments to protect women's rights and incorporate women's leadership in decision-making for preventing and putting an end to mass atrocity crimes;

16. *Stresses* that, with regard to the responsibility to protect, parliaments should pay special attention to the human rights of women and children in crisis areas, as they often suffer the most and their misery is overlooked, with far-reaching human, social and economic consequences;
17. *Calls* on parliaments to encourage their governments to support the creation and effective functioning of early warning systems and decision-making and response mechanisms at the national, regional and international levels, in order to respond faster and more effectively to situations of armed conflict and internal disturbances and tensions;
18. *Invites* parliaments to actively bring to the attention of their governments situations of risk for civilian populations by ensuring that their governments discharge their responsibility of follow-up and prevention;
19. *Calls* for efforts to promote the media's role in documenting, preventing, and raising awareness about the commission of genocide, war crimes, ethnic cleansing and crimes against humanity by guaranteeing freedom of expression; ensuring that freedom of the media is protected by the national constitution and law; demanding that all parties abide by their international obligations related to the protection and safety of journalists, media professionals and associated personnel; encouraging accurate journalism that respects the human rights of all populations; speaking out against expressions of hatred that constitute incitement to discrimination, hostility or violence; and, where appropriate, legislating against such expressions;
20. *Calls on* parliaments to act resolutely upon the requests of their governments to provide sustainable assistance for the restoration of peace in post-conflict situations that give rise to mass atrocities and require such assistance, and to allocate the necessary funds to assist with the reconstruction of countries emerging from crises or conflicts and contribute to the UN peace building fund as appropriate;
21. *Requests* parliaments to include funds in State budgets for the organization of operations to protect populations from violence and ensure their safety;
22. *Calls* on parliaments to ensure implementation of UN Security Council resolution 1325, including by facilitating the participation of women in peace processes and negotiations, ensuring that women make up at least one third of negotiating teams, are well represented in defense and security forces and are properly trained as peacemakers and peace builders;
23. *Urges* the IPU to facilitate an exchange of good practices in the areas of parliamentary oversight of the enforcement of the responsibility to protect and parliamentary involvement in the protection of civilians in situations of armed conflict and in the protection of populations from genocide, ethnic cleansing, war crimes and crimes against humanity;
24. *Also urges* parliaments to be attentive to and scrutinize the reports of human rights organizations and the way in which governments ensure the protection of human rights;
25. *Calls* on parliaments to promote good governance based on the positive correlation between good governance and the advancement of peace and security;
26. *Also calls* on parliaments to monitor closely UN Security Council proceedings, request their governments to make the case at the Security Council for the need to act responsibly when resorting to coercive measures and ensure that once adopted resolutions are enforced in their entirety and in a transparent manner;
27. *Further calls* on parliaments to ensure that humanitarian agencies mainstream gender throughout their programmes and give women priority in emergency situations;
28. *Urges* all parliaments to defend and promote human rights, the rule of law and democracy throughout the world;
29. *Encourages* parliaments to work together with civil society on issues of peace and security in order to better guarantee and improve protection of the human rights of citizens;
30. *Calls* on governments and parliaments to assume responsibility for protecting the rights of refugees and their right to international protection, and *also calls* on parliaments and governments to fulfil their obligations to protect refugees and asylum-seekers.

**The delegation of Cuba expressed a reservation on the entire resolution.*

The delegation of Peru expressed a reservation on operative paragraph 10, considering that "any mention of the International Criminal Court (ICC) or the Rome Statute must not be prejudicial to other international jurisdictions recognized by the State in question, in particular regional jurisdictions".

The delegations of Sudan and the Syrian Arab Republic expressed reservations on the ninth preambular paragraph and on operative paragraphs 10 and 11. .