GLOBAL CENTRE FOR THE RESPONSIBILITY TO PROTECT

Advocate, Educate, Legislate: The Role of Parliamentarians in the Prevention of Mass Atrocities

INTRODUCTION

On 16 June 2016, while meeting with her constituents in Yorkshire, British parliamentarian Ms. Jo Cox was murdered by a neo-Nazi with a history of mental illness. Since her election in May 2015 she had faithfully represented the interests of her constituency of Batley and Spen, vigorously intervening in parliamentary debates on health care funding, education and the social scourge of loneliness. However, Ms. Cox also saw parliament as an extension of her international human rights and humanitarian work, and as a place to legislate and advocate on behalf of those facing atrocities in the world today. For example, in a debate on 24 May 2016 regarding "Europe, Human Rights, and Keeping People Safe At Home and Abroad," she challenged the British Foreign Secretary.

"We now have decades and decades of experience showing that early intervention to prevent human rights abuses and mass atrocities works. Does the Foreign Secretary feel that his Department, and indeed the whole of government, would benefit from a mass atrocity prevention lens being focused on all policies so that we intervene early and fast to prevent escalation?"

Jo Cox believed that preventing atrocities and protecting civilians served the United Kingdom's (UK) national interest, as well as representing a positive contribution to international politics. In this regard, her previous experience working for Oxfam International cemented her belief in the "landmark global commitment to the best and most fundamental of our human ideals: the responsibility to protect civilians."

During her short time in parliament Ms. Cox took the floor to call for UK immigration policy to acknowledge

that the refugee crisis in Europe was caused mainly by civilians fleeing atrocities in Syria, and in support of a bill recognizing that the so-called Islamic State of Iraq and the Levant (ISIL) had committed genocide against the Yazidi in Iraq. Ms. Cox also argued for a "pause" in UK arms sales to Saudi Arabia because of widespread allegations that "all sides in the Yemen conflict have committed serious violations of international humanitarian and human rights law," suggesting that such a pause might allow the Minister to sleep easier at night. Above all else, however, Jo Cox was best known for her plea for a "no-bombing zone" to be established in Syria. In a 12 October 2015 parliamentary debate, for example, she argued that:

"Every decade or so, the world is tested by a crisis so grave that it breaks the mould: one so horrific and inhumane that the response of politicians to it becomes emblematic of their generation-their moral leadership or cowardice, their resolution or incompetence. It is how history judges us. We have been tested by the second world war, the genocide in Rwanda and the slaughter in Bosnia, and I believe that Syria is our generation's test. Will we step up to play our part in stopping the abject horror of the Syrian civil war and the spread of the modern-day fascism of ISIS, or will we step to one side, say that it is too complicated, and leave Iran, Russia, Assad and ISIS to turn the country into a graveyard? Whatever we decide will stay with us for ever, and I ask that each of us take that responsibility personally."

Tragically, Jo Cox's life was cut short by her assassination. Following her death two members of parliament (MPs) published a report co-authored by Ms. Cox entitled, "The Cost of Doing Nothing: The Price of Inaction in the Face of Mass Atrocities." The report asserts that the UK has a duty to respond when civilians

are facing war crimes, crimes against humanity or genocide. Efforts by MPs from the Conservative and Labour parties to ensure this report was published shows how Ms. Cox's example, of attempting to utilize parliamentary office as a means to advance an agenda for the promotion of human rights and the prevention of mass atrocities, endures.

While Jo Cox's efforts provide a clear example of the way that parliamentarians can have an impact upon how a country responds to the risk of mass atrocity crimes at home and abroad, around the world other elected officials have demonstrated that upholding the Responsibility to Protect (R2P) extends well beyond creating or amending legislation. Parliamentarians are able to advocate on behalf of vulnerable populations, educate regarding past atrocities, and work together to uphold global responsibilities.

ADVOCATE: BREAKING THE SILENCE

The political strategy of using parliament to provide early warning, provoke action or expose issues that might be otherwise conveniently ignored by governments, is central to the strategic approach adopted by many parliamentarians.

Vian Dakhil, Iraq's only female MP from the minority Yazidi community, argued in the Iraqi Parliament for urgent military intervention to save thousands of Yazidis being targeted by ISIL as they advanced across northern Iraq during mid-2014. Ms. Dakhil's actions led to the Iraqi Parliament voting to initiate humanitarian airdrops over Mount Sinjar, where thousands of displaced Yazidi were trapped by ISIL. Her advocacy also influenced outside actors, including former United States (US) President Barack Obama who referenced Ms. Dakhil's plea as influencing his decision to authorize US forces to conduct airstrikes against ISIL in northern Iraq.²

Parliamentarians can apply significant political pressure on governments to change policy regardless of whether they are in the majority or not. In South Africa, for example, the Democratic Alliance (DA) only control about 20 percent of the seats in parliament and are unable to pass legislation without support of the ruling party, the African National Congress. However, in 2016 when the government decided to withdraw South Africa from the International Criminal Court (ICC), the DA not only raised the issue in parliament, but also launched a

legal challenge. As a result of these actions, the High Court ruled that the decision was unconstitutional and the government was forced to retract its letter of intent to withdraw from the ICC.³ Just as importantly, the DA's raising of the issue in parliament helped provoke a wider public debate about the struggle against impunity in Africa.

MPs are also capable of utilizing other public tools – such as televised hearings and debates or publishing opeds – to draw attention to the plight of populations in other countries. Parliamentarians are at their most effective when they not only speak individually to "shine a light" on atrocities at home or abroad, but act collectively with colleagues in parliament, as well as with external networks and civil society organizations, to raise awareness and promote political action. Existing national examples include two all-party parliamentary groups for the prevention of genocide and crimes against humanity.

National-level advocacy networks for mass atrocity prevention

The first of these groups was established in the UK Parliament in 2005 and meets semi-regularly to discuss issues related to the prevention of mass atrocities, often inviting outside speakers. The group is currently chaired by Stephen Twigg MP.

In 2006 then Senator Roméo Dallaire founded the All-Party Parliamentary Group for the Prevention of Genocide and other Crimes Against Humanity in Canada.⁴ The group was inspired by the success of the UK group and has members from all political parties in the Canadian parliament. While the group has been less active since General Dallaire, the UN Force Commander during the genocide in Rwanda, retired from the Senate in 2014, its very existence is symbolically important.⁵

Both parliamentary groups have advocated within their own governments around issues such as appointing an R2P Focal Point, the efficacy of the UN Security Council in responding to mass atrocities, and domestic policies that could strengthen their government's ability to uphold its responsibility to protect.

External advocacy networks

External networks, where parliamentarians from different countries come together to address issues of

common concern, have given parliamentarians opportunities to address human rights and atrocity-related issues such as the arms trade and international accountability mechanisms. "Parliamentarians for Global Action" – and its more than 1,400 members from 140 countries – has supported action for ratifying the Arms Trade Treaty and the Rome Statute of the International Criminal Court.⁶ The "Inter-parliamentary Alliance for Human Rights and Global Peace" has similarly launched a program on ratification and implementation of the Genocide Convention under its violence prevention project.⁷

Other notable initiatives include:

Elie Wiesel Network - European Network of Parliamentarians for the **Prevention** of Genocide and Mass Atrocities and against Genocide Denial: During June parliamentarians from 23 national parliaments and the European Parliament (representing 32 different countries), formed the "Elie Wiesel Network." The founding statement notes that "coming from various backgrounds and beyond the disagreements that sometimes divide us, we unite, in the name of our shared humanity, in preventing genocide and mass atrocities and fighting against genocide denial." The Network is also dedicated to ensuring that R2P is implemented "with rigor and efficiency" and conducted a fact-finding mission in Southern Turkey during October 2016 to examine how European countries can respond to the situation in Syria and the refugee crisis.8

Association of Southeast Asian Nations (ASEAN) Parliamentarians for Human Rights: Despite the resilience of traditional notions of sovereignty in Southeast Asia, centered on the idea of non-interference in the domestic affairs of other countries, this network has tried to raise awareness of gross human rights abuses and potential mass atrocities in the region. The ASEAN Parliamentarians for Human Rights have been vocal advocates for investigating atrocities in the Asia-Pacific Region. Notably, the group has issued several joint statements on discriminatory practices targeting the Rohingya in Myanmar – including recently calling for the creation of an international investigative mechanism to look into crimes that took place during the 2016 counter-insurgency operation in Rakhine state.

In 2015 the ASEAN Parliamentarians for Human Rights worked with the Asia-Pacific Centre for R2P and the Global Centre for R2P to cohost a briefing for UN Security Council members on the issue of the systematic persecution of the Rohingya in Myanmar. A delegation

of representatives from the parliaments of Cambodia and Myanmar came to New York to meet UN Security Council members and civil society organizations. The ASEAN Parliamentarians have also engaged in advocacy to promote and support the norm of R2P throughout their region by working with the Asia-Pacific Centre to host workshops and educational seminars for other parliamentarians.

Inter-Parliamentary Union (IPU): With members from 171 parliaments and 11 associate members from regional organizations — the IPU is one of the world's largest parliamentary networks. Though the Union does not have an exclusive focus on human rights or mass atrocity prevention, such issues have become a common concern in recent years. The IPU has held several debates on mass atrocity situations — such as the ongoing crisis in Syria — during their assembly meetings. During 2013 the IPU adopted a resolution on "Enforcing the Responsibility to Protect: The Role of Parliament in Safeguarding Civilian's Lives." The resolution contains 30 recommendations for parliamentarians to follow in upholding their government's responsibility to protect.

Notwithstanding huge variance in the efficacy of the above networks, they are all important for the exchange of ideas and inter-parliamentary solidarity. Bilateral initiatives are also common. For example, in 2015 a group of Polish parliamentarians visited Rwanda at the invitation of the Rwandan Parliament and met with the National Commission for the Fight against Genocide. Overall, the utilization of a parliamentary platform to discuss the prevention of mass atrocities and the promotion of human rights is an effective form of highlevel public advocacy.

EDUCATE: FIGHTING DENIALISM, ACKNOWLEDGING THE PAST

In a number of countries, parliamentarians have also led the push to memorialize past atrocities, introduce the history of genocide into their public education system, and, in some cases, criminalize genocide denial.

In 1994, over a period of 100 days, Rwanda experienced the quickest and deadliest genocide since the Holocaust. More than twenty years later, the buildings that house Rwanda's parliament are still scarred by bullet and mortar rounds. In Rwanda, parliament itself has become a permanent physical memorial of the 1994 genocide against the Tutsi. More recently, a formal museum has

been proposed for the parliamentary grounds. The permanent Secretary of the Senate, Sostene Cyitaitire, has explained that the museum will be a "Center of Education on Genocide Prevention."¹⁰

While parliamentarians elsewhere usually do not work in such proximity with the memory of past atrocities, many have seen education as a key component of the struggle to make "never again" a meaningful reality.

A number of countries, especially in Europe, now commemorate International Holocaust Remembrance Day, 27 January, providing an opportunity for parliamentarians to not only reflect upon the genocide against the Jews during the Second World War, but also as an opportunity to speak out against mass atrocities today.11 The European Parliament, representing 500 million people, is the largest parliament to officially recognize Holocaust Remembrance Day.¹² During the 2017 commemoration in the UK parliament, several MPs not only delivered speeches in opposition to Holocaust denialism and the resurgence of anti-Semitism in contemporary Europe, but also raised broader issues regarding religious extremism and ISIL, the growing threat of mass atrocities in South Sudan, and the need for the UK government to continue to fund genocide and Holocaust education in public schools.13

Acknowledgement of past atrocities can also play an important role in raising public awareness. During January 2000, Hungary's former Minister of Education, Zoltán Pokorni MP, proposed that parliament mark the anniversary of the liberation of Budapest's Jewish ghetto in 1945 and commemorate the Holocaust. The Hungarian Parliament subsequently established a Holocaust Memorial Day on 16 April, and schools now organize educational activities in conjunction with this day.14 Similarly, in 2015 the Canadian Parliament unanimously passed a motion declaring April to be "Genocide Remembrance, Condemnation Prevention Month." However, the initial exclusion of Srebrenica, Bosnia, from the list of recognized genocides provoked controversy.15

Germany, including its parliament, has recognized its role in past mass atrocities, including the Holocaust. In Turkey, meanwhile, the government is resolutely unwilling to accept the historical reality of the 1915 Armenian Genocide. In January 2016 Garo Paylan, an MP from the People's Democratic Party, was temporarily suspended from the Turkish Parliament for referring to the mass killing of Armenians by the Ottoman Empire as genocide. 16 Other lawmakers

interrupted his speech, and the ethnic Armenian MP was later physically attacked during a brawl in the Turkish Parliament during April.

The pervasiveness of genocide denial in Turkey has increased the importance of other parliaments acknowledging a genocide that claimed over a million lives. During March 2010 the Swedish Parliament adopted a resolution recognizing the Armenian Genocide. Members from the opposition party secured the resolution's passage by building a cross-party coalition, adopting the resolution by a majority of just one vote.¹⁷ Fearing a Turkish political backlash, the Swedish Foreign Minister, Carl Bildt, publicly distanced the government from the parliamentary vote.

In June 2016 the German Parliament voted by an overwhelming majority in favor of recognizing the Armenian Genocide, despite diplomatic protests from the Turkish government.¹⁸ The German vote preceded a bill in the French Parliament that amended and expanded earlier laws and made it a crime to deny or "trivialize" any officially recognized genocide, such as the Holocaust or the Armenian Genocide.¹⁹

Education programs have also been initiated at the local government level. For example, in the US during February 2016, Klint Kesto of the Michigan House of Representatives sponsored a bill to mandate genocide education, including the Holocaust and the Armenian Genocide, in all Michigan public schools.²⁰ When the bill passed with a clear majority, Michigan joined five other US states whose legislatures had mandated genocide education within the high school curriculum.²¹

However, in order to have a lasting impact, knowledge and awareness must be transformed into practical deeds. Ultimately, parliamentarians are at their most effective when they can reshape the domestic political agenda, influence foreign policy, and pass legislation to help protect human rights and prevent mass atrocities.

LEGISLATE: TURNING WORDS INTO DEEDS

Parliamentarians can be a catalyst for important legislative changes. These changes include ratifying and ensuring international legal standards for the protection of human rights are incorporated into domestic law, establishing national mechanisms for prevention and supporting international mechanisms to inhibit the perpetration of crimes in other countries.

National accountability and ratification of international conventions

US Senator William Proxmire famously delivered a staggering 3,211 speeches in the Senate urging his government to ratify the UN Genocide Convention. Starting in 1967, for twenty years Senator Proxmire waged a personal crusade to pressure the US government, giving 208 speeches on the issue of genocide in 1970 alone. Due to Proxmire's unrelenting efforts, and despite lingering political opposition from conservative Republicans, in 1987 the US Senate finally adopted the Genocide Convention Implementation Act, also known as "the Proxmire Act," incorporating the Genocide Convention into US domestic law.²²

In addition to pushing for ratification of the Rome Statute of the ICC, or the incorporation of the Genocide Convention into national law, domestic accountability can be a key area for parliamentary action. In Nigeria during early 2017, for example, representative Nicholas Ossai of the People's Democratic Party sponsored a bill to punish domestic perpetrators of crimes against humanity, war crimes and genocide. Mr. Ossai's bill was also part of an important political debate regarding how to deal with the armed extremist group, Boko Haram. Mr. Ossai and others regard Boko Haram as not just a terrorist threat, but as atrocity perpetrators who must be held accountable for an armed conflict that has killed more than 20,000 people in Nigeria since 2010. Mr. Ossai argued that, "Nigeria signed the International Criminal Court of Justice Treaty in 2000; the National Assembly, therefore, has the powers to domesticate such a treaty."23 Mr. Ossai's bill is currently going through the final stages of debate, prior to adoption by the Nigerian parliament.24

Establishing national mechanisms for prevention

Through their legislative powers, parliamentarians are able to facilitate the establishment of national mechanisms for the prevention of mass atrocity crimes. Parliamentarians have a responsibility to ensure good governance and that state institutions protect the rights of the population.

The National Peace Council in Ghana is one of Africa's clearest examples of a strong, national institution for addressing the root causes of conflict and preventing crises before they begin. The Council has ensured that during Ghana's two most recent presidential elections, resulting political turbulence has been minimized despite small margins of victory. The creation and institutionalization of the National Peace Council at the national level, as well as within regional and district-level governments, was authorized via an Act of Parliament in 2011.

In early 2017, US Senators Ben Cardin and Thom Tillis planned to re-introduce the Elie Wiesel Genocide and Atrocities Prevention Act to the US Senate. The bipartisan draft bill authorizes a Mass Atrocities Task Force, establishes a Complex Crises Fund, requires training for diplomats regarding early warning and preventing atrocities, and requires reporting from both the State Department and Director for National Intelligence regarding situations where there is a serious risk of mass atrocity crimes. The draft bill had not been voted on at the time of publication.²⁵

Punishing foreign perpetrators of mass atrocity crimes

In Europe during February 2016, Lars Adaktusson, a Swedish member of the European Parliament, tabled a resolution calling for the recognition of ISIL's systematic killing of religious minorities in the Middle East as genocide. ²⁶ The resolution passed unanimously and was the first time the European Parliament had acknowledged a genocide while it was still underway. The resolution called on European Union (EU) member states to bring "protection and aid, including military protection and aid" to all minority groups targeted by ISIL, in keeping with international law. ²⁷

A number of countries have also tried to tighten domestic laws in order to freeze or seize the locally-held assets of foreign human rights abusers, including those accused of perpetrating mass atrocity crimes. In 2012, US Senator Ben Cardin and Representative Jim McGovern sponsored the Sergei Magnitsky Rule of Law Accountability Act. The bipartisan law was initially intended to block visas and freeze assets of Russian officials thought to be responsible for the death of Sergei Magnitsky, a lawyer who died in a Moscow prison after government investigating corruption.28 During December 2016 Congress passed the Global Magnitsky Act, broadening the law the deny US visas and freeze the local assets of any foreign national who has committed "gross violations of human rights."²⁹ The legislation, although new, could be used to pursue the US-based assets of foreign atrocity perpetrators and help their victims pursue financial compensation.

Similarly, on 21 February 2017 the UK House of Commons passed legislation to freeze the UK assets of human rights abusers through the Criminal Finances Bill. The bill targets the property, funds, and other economic resources owned by foreign officials who commit abuses against human rights activists. Currently Canada and the EU are considering their own versions of the so-called "Magnitsky sanctions." 30

The US House of Representatives passed a bill during November 2016 to sanction senior officials of the Syrian government, as well as Russian and Iranian enablers of war crimes and crimes against humanity in Syria.³¹ The European Parliament has also passed twenty-five resolutions condemning atrocities in Syria, and encouraged the imposition of sanctions by the EU.

Legislating R2P's implementation

While many of these examples broadly address human rights and conflict prevention – since 2005 parliamentarians have also worked towards the adoption of legislation specifically advocating for the prevention of mass atrocities and implementation of R2P. In 2012 parliamentarians from Germany's Green Party tabled a resolution in the Bundestag encouraging the nomination of an R2P Focal Point. During 2013 the European Parliament similarly issued a series of recommendations to the European Council, including the appointment of an R2P Focal Point for the EU.

Whether in support of established governmental policy, or in opposition to it, parliamentarians can produce legislation to advance measures to promote human rights and prevent mass atrocities.

RECOMMENDATIONS

As the institutional center of any democracy, parliaments and parliamentarians can play an essential role in advocating, educating and legislating for the protection of human rights and the prevention of mass atrocities. While opportunities vary greatly depending upon specific national circumstances - including

whether the elected representative is a member of the governing party or not - the voices and initiatives of parliamentarians matter. Below are some possible recommendations for parliamentary action:

- Help establish a non-partisan All-Parliamentary Group on the Prevention of Genocide and Mass Atrocities.
- Support national laws that recognize the universality of human rights and punish incitement, genocide denial and hate speech. Encourage strategies for enhancing domestic human rights monitoring and actively support the constitutional protection of civil liberties.
- Ensure that parliament acknowledges specific cases of genocide (Armenia, Rwanda, Srebrenica, etc.) and commemorates International Holocaust Remembrance Day.
- Speak in support of global norms such as R2P, as adopted in paragraphs 138-139 of the 2005 UN World Summit Outcome Document. Ensure that parliament ratifies all relevant international human rights instruments, including Convention on the Prevention and Punishment of the Crime of Genocide: International Covenant on Civil and Political Rights and the Second Optional Protocol thereto (1989); International Covenant on Social, Economic and Cultural Rights; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Elimination of All Forms of Racial Discrimination; Convention Relating to the Status of Refugees and the 1967 Protocol thereto; Convention on the Rights of the Child; Rome Statute of the International Criminal Court; and Arms Trade Treaty.
- If it hasn't already done so, urge your government to appoint a national R2P Focal Point and develop a national plan for the promotion of human rights and the prevention of mass atrocities.
- Where relevant, encourage the formation of a national mechanism for mass atrocity prevention – such as the Atrocity Prevention Board in the US and the National Peace Council in Ghana - based upon local circumstances.
- Utilize parliamentary oversight. Foreign policy in most countries remains the exclusive purview of the

government. However, parliamentarians can urge, or sometimes force, the government to have a more accountable foreign policy. What kind of assistance (material or political) is the government providing for populations at risk of mass atrocities? Urge the executive to address mass atrocities domestically, regionally and around the world, including through potentially funding institutions and civil society organizations that are active in these areas.

- Use parliamentary speaking privileges to highlight human rights situations domestically and internationally that are neglected. Such situations may not be a priority for government, but through requesting formal briefings, and/or questioning the relevant ministers in parliament, parliamentarians can help to highlight these situations and potentially provoke constructive action.
- Parliamentarians can advocate in support of other parliamentarians under threat in countries where there is a risk of mass atrocities. Parliamentary delegations, whether "fact-finding missions" or simply sharing experiences with parliamentarians in "at risk" situations, are an important form of preventive diplomacy.
- For countries emerging from conflict, and/or with a
 past history of mass atrocities, encourage a national
 dialogue regarding the importance of truth,
 accountability and reconciliation in order to prevent
 recurrence.

CONCLUSIONS

Before running for election to the British parliament, the last job that Jo Cox held was at the Freedom Fund, a non-governmental organization dedicated to ending modern slavery. Appropriately enough, the Freedom Fund was conscious of the historic role its predecessors had played inside the British parliament.

At the height of the slave trade during the 1700s, more African slaves were transported in the holds of British ships than in all other slave ships combined.³² The slave trade brought tremendous tax receipts to the British state, and was directly linked to some of the richest and most powerful men in parliament. Nevertheless, in Britain during the late eighteenth century a mass movement, relying on a political alliance between civil society and parliamentary reformers, was built in

opposition to slavery. For example, in advance of a 1792 debate, parliament was inundated with petitions signed by more people "than were eligible to vote." Led by Thomas Clarkson and William Wilberforce MP, the eventual prohibition of the slave trade by an Act of the British Parliament in 1807 marked the beginning of the end for legal slavery internationally. Within a few years, one third of the British Navy was directly involved in enforcing a ban on the transportation and sale of human beings. 34

The fact that slavery is today universally regarded as a crime against humanity is due in no small part to that alliance between civil society activists and parliamentarians during the nineteenth century. This is the parliamentary tradition that Jo Cox was honoring when she decided to run for public office, and it provides a historical lesson that all parliamentarians should keep in mind as they seek to prevent and protect people from mass atrocity crimes today.

¹ All parliamentary speeches of Jo Cox available at: http://my parliament.info/Member/4375/Speeches

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