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## **DRAFT REPORT**

with a proposal for a European Parliament recommendation to the Council on the UN principle of the 'Responsibility to Protect' (R2P)  
(2012/2143(INI))

Committee on Foreign Affairs

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## PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE COUNCIL

### on the UN principle of the ‘Responsibility to Protect’ (R2P)

(2012/2143(INI))

*The European Parliament,*

- having regard to the proposal for a recommendation to the Council by Frieda Brepoels, on behalf of the Verts/ALE Group, on the UN principle of the ‘Responsibility to Protect’ (R2P) (B7-0191/2012),
- having regard to the guiding principles of the European Union as enshrined in articles 2, 3 and 21 of the Treaty on European Union,
- having regard to the 2012 Nobel Peace Prize which not only honours the EU’s historical contribution to a peaceful Europe but also raises expectations as to its future engagement towards a more rule-based and peaceful world order,
- having regard to the Paragraphs 138 and 139 of the 2005 UN World Summit Outcome Document,
- having regard to the regular informal interactive dialogues of the UN General Assembly (UNGA) which are anticipated by reports of the UN Secretary-General, notably on ‘Implementing the Responsibility to Protect’ of 2009<sup>1</sup>, ‘Early warning, assessment and the responsibility to protect’ of 2010<sup>2</sup>, and ‘The role of regional and subregional arrangements in implementing the responsibility to protect’ of 2011<sup>3</sup>,
- having regard to the UNGA Resolution A/RES/63/308 of 7 October 2009 on the responsibility to protect,
- having regard to the United Nations Security Council (UNSC) Resolution 1674 of April 2006 on ‘Protection of civilians in armed conflict’<sup>4</sup>,
- having regard to the UNSC Resolution 1973 of 17 March 2011 on Libya, which for the first time in history authorised the use of force against a country with an explicit reference to R2P, followed by similar references in UNSC Resolution 1975 on the Ivory Coast, UNSC Resolution 1996 on Sudan and UNSC Resolution 2014 on Yemen,
- having regard to the most recent report by the UN Secretary-General on the ‘Responsibility to protect: timely and decisive response’ of 25 July 2012<sup>5</sup>, which focuses on the third pillar of R2P,

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<sup>1</sup> A/63/677.

<sup>2</sup> A/64/864.

<sup>3</sup> A/65/877-S/2011/393.

<sup>4</sup> S/RES/1674.

<sup>5</sup> A/66/874/-S/2012/578.

- having regard to the UN Secretary-General’s Internal Review Panel on UN Action in Sri Lanka of November 2012, enquiring into the failure of the international community to protect civilians from large-scale violations of humanitarian and human rights laws and making recommendations regarding future UN action to respond effectively to similar situations involving mass atrocity crimes,
  - having regard to the report by the UN Secretary-General on ‘Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution’ of 25 July 2012,
  - having regard to its recommendation to the Council of 13 June 2012 on the 67th session of the UNGA<sup>1</sup>,
  - having regard to Rule 121(3) and Rule 97 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A7-0000/2013),
- A. whereas paragraphs 138 and 139 of the UN World Summit Outcome Document establish at the same time the obligation of states to protect their citizens against genocide, war crimes, ethnic cleansing and crimes against humanity and the obligation of the international community to react should states fail to protect their citizens against these four specified crimes and violations;
- B. whereas the principle of R2P is based on three pillars: (I) the protection responsibilities of each individual state; (II) international assistance and capacity-building to assist states; (III) a timely and decisive collective response;
- C. whereas the principle of R2P shall be further defined by encompassing the components of the responsibility to prevent (R2prevent), the responsibility to react (R2react) and the responsibility to rebuild (R2rebuild), as introduced in the report on R2P by the International Commission on Intervention and State Sovereignty (ICISS) in 2001;
- D. whereas the emergence of the principle of R2P represents an important step forward towards a more peaceful world, to which effect it is crucially important that early warning and assessment be conducted fairly, prudently and professionally and that the use of force remain the measure of last resort;
- E. whereas the most effective form of prevention lies in the promotion of good governance, inclusiveness, respect for human rights and fundamental freedoms, gender equality, and democratic values and practices;
- F. whereas a more consequent implementation of R2P’s prevention component (R2prevent), including mediation measures and preventive diplomacy at an early stage, would reduce conflicts and help avoid their escalation;
- G. whereas the UN Guidelines for Effective Mediation identify the dilemma that arrest

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<sup>1</sup> Texts adopted, P7\_TA(2012)0240.

warrants issued by the International Criminal Court (ICC), sanctions regimes and national and international counter-terrorism policies also affect the manner in which some conflict parties may be engaged in a mediation process;

- H. whereas more recent experiences with specific crises such as those in Sri Lanka, Ivory Coast, Libya and Syria have produced mixed results in terms of the international capacity and a lack of common will to prevent or stop genocide, war crimes, ethnic cleansing and crimes against humanity committed by national and local authorities or non-state actors;
- I. whereas the proposal initiated by Brazil on the ‘Responsibility while Protecting’ is a welcome contribution to the necessary development of criteria to be followed when implementing an R2P mandate, including the proportionality of the scope and duration of any intervention, a thorough balance of consequences, ex-ante clarity of the political objectives and transparency in the intervention’s reasoning; whereas the monitoring and review mechanisms of adopted mandates should be strengthened, including through the UN Secretary-General’s Special Advisors on the Prevention of Genocide and on R2P, and the UN High Commissioner for Human Rights, and should be conducted ‘fairly, prudently and professionally, without political interference or double standards’<sup>1</sup>;
- J. whereas the definition in international law of crimes which demand an immediate reaction by the international community has made considerable progress since the creation of the ICC, although independent assessment mechanisms of when these definitions apply are still, crucially, missing;
- K. whereas a narrow but deep approach to implementing R2P should restrict its application to the four crimes and violations specified and should exclude the use of the principle to obtain humanitarian access; whereas humanitarian action should not be used as a substitute for political action, and whereas humanitarian space needs to be respected by all actors involved;
- 1. Addresses the following recommendations to the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission (HR/VP), the EEAS, the Member States and the Council:
  - (a) to agree to the establishment of an inter-institutional working group charged with preparing the basis for an inter-institutional ‘Consensus on R2P’ to be adopted jointly by the Council, the EEAS, the Commission and the European Parliament;
  - (b) to cooperate with the European Parliament in the organisation of a series of meetings with concerned interest groups and civil society actors with the goal of integrating the proposals for initiatives and improvements into the ‘Consensus on R2P’ document;
  - (c) to institutionalise the practice of producing an annual report on the EU’s successes and failures in conflict prevention and mitigation in applying the principle of R2P, to be prepared jointly by the EEAS and the Commission in cooperation with the EU Special Representative for Human Rights;

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<sup>1</sup> Art. 51 in: Responsibility to protect: timely and decisive response, Report of the Secretary-General. 25 July 2012 (A/66/874-S/2012/578).

- (d) to adapt policy planning, operational concepts and capability development within the Common Security and Defence Policy (CSDP) for the Union's ability to fully implement the R2P;
  - (e) to train EU and Member States' delegation and embassy staff in international human rights and humanitarian law and further professionalise and strengthen preventive diplomacy and mediation;
  - (f) to speedily ratify the amendments to the ICC Statutes defining the crime of aggression, since the Court can play a central role in the prevention of mass atrocity crimes, as well as in efforts to ensure accountability;
2. Encourages the HR/VP and the Council:
- (a) to support the efforts of the UN Secretary-General to fine-tune the principle of R2P and to cooperate with other UN members who wish to improve the capacities of the international community to prevent and respond to mass atrocity crimes;
  - (b) to help strengthen the framework and capacities at UN level for mediation, double-track diplomacy and exchange of best practices on peace and de-escalation, such as those of the Mediation Support Unit of the Department of Political Affairs; to strengthen the Office of the Special Advisor on the Prevention of Genocide and the Special Advisor on the Responsibility to Protect;
  - (c) to integrate women leaders and women's groups much more in all conflict mitigation and resolution efforts in accordance with UNSC Resolutions 1325 and 1820;
3. Instructs its President to forward this recommendation to the Council and, for information, to the Commission, to the HR/VP, the EEAS and the Member States.