

Protection Approaches Maintaining momentum in a changing world: Atrocity prevention in UK policy

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Protection Approaches is a human rights charity that works to improve the protection of people from identity-based violence.

Through its Research & Policy and Learning & Outreach programmes, Protection Approaches seeks to strengthen UK understanding of and commitment to prediction, prevention and protection approaches to identity-based violence through research-led policy engagement and education outreach.

Protection Approaches is the only organisation in the United Kingdom that works to address the diverse challenges of identity-based violence, from hate crime to violent extremism and genocide.

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1. Executive Summary

The next UK Government will face a global landscape where identity-based mass violence is rising and international leadership is in a state of flux. The escalation of identity politics risks a global deprioritisation of atrocity prevention and a contraction of both state-level and international engagement - all at a time when the world faces the greatest humanitarian crisis since the Second World War. From Syria to South Sudan, Burundi to Myanmar, civilian populations are at daily risk of systematic mass violence.

As the UK prepares to withdraw from the European Union, the next Government must ensure that normative commitments to atrocity prevention and civilian protection that have been made through its membership of the EU are replicated in domestic frameworks and policy outputs. Whatever the outcome of the general election, and subsequent form of exit from the EU, the abiding principle that the UK has a responsibility to protect civilians from mass atrocities — from acts of genocide, ethnic cleansing, war crimes, and crimes against humanity — must continue to be upheld.

Recent elections in the United States and in France —the UK's traditional allies at the United Nations Security Council— are already altering the status quo. While the impact of these changes to global leadership remain unclear, it is essential that the next UK Government maintains its stated commitment to atrocity prevention and continues to advance civilian protection as both a national and international priority.

During the next parliament the UK will redefine its international identity as a European state outside of the European Union. At this time of global political uncertainty, a new British Government will have a particular opportunity to wield its considerable influence both at the UN

Security Council and during negotiations with new international partners outside of the EU.

There will be the opportunity too for the new Government to integrate atrocity prevention as an explicit priority as it begins to reorient economic, foreign, security, and international development policies as an outward-looking 'Global Britain'.

The UK has a proud tradition as a leading humanitarian actor and aid donor, and in recent years has striven to uphold its commitments to atrocity prevention at the UN Security Council. Thus, the new Government can build on existing UK policies and rhetorical commitments rather than create wholly new processes to deal with the challenges ahead. Together with many of its allies, the UK already commits substantial resources to promoting human rights, preventing conflict, and addressing humanitarian crises. However, much more can be done to improve national and international approaches to the protection of civilians, both in response to the immediate threat of atrocities and through sustainable and cost-effective long prevention.

This occasional paper therefore considers practical ways in which the UK could build on its record as a strong advocate for atrocity prevention, and in doing so narrow the gap between rhetorical commitment and existing policy. Drawing on a substantial corpus of academic and policy literature, the paper sets forth technical advice with a view to supporting Government and Parliament in strengthening the UK's capabilities to prevent atrocity crimes.

The need for global leadership toward the protection of civilians from mass atrocities is urgent. This paper offers a way forward.

2. What is atrocity prevention?

The Challenge

Questions regarding a state's responsibility to protect the lives of citizens that are not their own pose some of the greatest moral and political challenges of our time. Since the cataclysmic loss of life in the Nazi Holocaust, world leaders have made repeated and heartfelt commitments to the prevention of genocide and to protecting civilians from that crime.¹ These commitments were forcefully reiterated in the wake of the failure to prevent atrocities in Rwanda and Bosnia in the 1990s. The sense of horror at what had passed was accompanied by the knowledge that the international community had refuted clear evidence of systematic violence, including the intent to destroy whole communities, and had utterly failed to live up to its post-1945 commitments.

The creation of the International Criminal Tribunals for former Yugoslavia and Rwanda, for all their limitations, have succeeded in bringing many of those responsible for atrocities to account and paved the way for the International Criminal Court. It is worth noting that during the Rome Statute negotiation process that of all the permanent member of the UN Security Council, it the UK who led the way.2 In 2005, during the global groundswell that emerged in response to atrocities in Darfur, the member states of the United Nations unanimously acknowledged their responsibility to protect people around the world from genocide, ethnic cleansing, crimes against humanity, and the most serious war crimes.³ Collectively these are known as atrocity crimes. The 'Responsibility to Protect' (R2P) initiative has subsequently provided a vital political framework and momentum that has sought to translate strong words into stronger deeds.

There is no doubting that the rhetorical commitment toward and public compassion for victims of mass atrocities has increased considerably in the last 60 years. That alone is worth acknowledging. Yet despite this normative progress, in 2017 too many communities around the world are living under the threat and fear of

mass atrocities. Tangible implementation of effective prevention and protection does not yet match our shared rhetorical commitments to the global human rights agenda and a rules-based international system. Instead, the gap between words and deeds appears to be growing.

For a short period after the turn of the millennium there were signs that the incidence of mass atrocity crimes was decreasing. However, since 2011 atrocity violence has spiked. These crises demonstrate the limitations of the current prevention 'tool box' and - crucially - also reveal a continuing lack of political will. Atrocity violence committed since 2011 in Central African Republic, Myanmar, Burundi, Sudan, South Sudan, Yemen, Syria, Gaza and elsewhere was largely predictable - and indeed was predicted. The increase in scale and frequency of these crimes during the 2011-2016 period represents the mid to long term consequences of failing to respond adequately to the early warning signs of mass atrocities.

Escalating identity-based violence in parts of the Middle East, Africa, and Asia, including violent extremism, indicates that development and governance agendas were not, and on the whole integrating effective prevention are not, frameworks into decision making. The resurgence identity-based violence highlights limitations of existing rhetorical commitments and current policy approaches to conflict prevention and development.

Other factors have contributed to this negative trend, namely the escalation of violence in Syria and Iraq, political fallout in the aftermath of the Libya intervention in 2011, the medium-term consequences of the 2008 recession, and the global spread of violent extremism. What is clear is that despite the considerable progress made over the past twenty years in building rhetorical consensus, individual states and the wider international community still lack the practical mechanisms and strategies to transform normative concepts into tangible results.

Terminology:

Mass atrocities provides a non-legal catch-all for ethnic cleansing, war crimes, crimes against humanity, and genocide, while the term identity-based violence captures the intent that lies behind this particular spectrum of violence yet avoids comparative scales of suffering. Atrocity crimes and identity based violence can occur in peacetime or during conflict. While there is an overlap between atrocity prevention, conflict prevention and the wider human rights agenda, preventing these crimes requires specific strategies. At times there is a greater overlap between the prevention of violent extremism and atrocity crimes as both are forms of identity-based violence.

A common obstacle in public policy and media debate around crises involving mass atrocity violence is often the language itself. The ultimate objective must always be to protect the lives of those at risk of these terrible crimes, whether they are being targeted by their own government or by non-state perpetrators, whether those crimes are considered to be genocide, or ethnic cleansing, or any form of identity-based mass violence. The suffering described so eloquently and tragically by the Yazidi survivors who have escaped Daesh are so painfully similar to the suffering described by other Syrians who have escaped President Assad's army and paramilitaries. There is no hierarchy of suffering. There is only suffering.

Atrocity Crimes:

- **Genocide:** Acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group
- **Ethnic cleansing:** The deliberate and systematic forcible removal of a racial, religious, ethnic, political, or cultural group from a specific geographical area
- **Crimes against humanity:** Acts committed as part of a widespread or systematic attack directed against any civilian population
- War crimes: Acts committed during an armed conflict that constitute serious violations of international humanitarian law

Identity-based violence:

Whether the violence is committed against one person or thousands, each victim suffers specifically because they are perceived by the perpetrator(s) as belonging to an enemy identity group. As with atrocity crimes, identity-based violence can take place in peacetime or during conflict.

Why conflict prevention is not enough

- demonstrates a Existing research wellestablished relationship between armed conflict and mass atrocities, and conflict prevention is therefore an essential part of the atrocity prevention agenda. As such, there are a wide range of common prevention measures that can be utilised to serve either goal, with particular overlap when it comes to longerterm 'upstream' prevention targeted at underlying risk factors. However, commonalities should not obscure the frequent divergence between the approaches, with atrocity prevention as a distinct policy agenda requiring its own tailored analytical focus. 10
- While mass atrocities do typically occur within situations of armed conflict, a large minority of cases do not. A spate of recent examples of peacetime atrocities include, for example, the violent aftermath of disputed elections in Kenya (2007-8), communal violence between ethnic Kyrgyz and Uzbeks in Kyrgyzstan (2010), and ongoing state-directed repression in North Korea and Eritrea. Atrocity prevention and conflict prevention can therefore have identifiably different goals. At the point of crisis, the former is inherently partial and is focused on protecting civilians by actively dissuading perpetrators (and including, where necessary, by offering direct protection). The latter is more consensual and seeks to ensure that multiple parties to a conflict are able to reach a peaceful resolution to disputes.
- Conflict prevention measures may consequently hinder or undermine atrocity prevention efforts. As well as shifting the focus away from protection against atrocity crimes, the process of negotiating an end to armed conflict often incentivises groups to attack 'soft' civilian targets in order to strengthen their negotiating position. So while it is frequently assumed that traditional conflict prevention approaches adequately encompass atrocity prevention, the diverging occasionally competing aims of these two agendas instead requires the insertion of an atrocity prevention 'lens' into existing policy frameworks. Without such an adjustment, the identification of specific atrocity dynamics, and response measures will not be fully achievable or effective.
- Longer term atrocity prevention requires a more holistic strategy that seeks to strengthen social cohesion and build trust between state and citizen. Supporting inclusive measures and against exclusion guarding the marginalisation of identity groups in political, public, social and economic life inhibits many of the processes that can lead to identitybased violence. Likewise, forecasting and monitoring potential situations of rising identity-based violence or atrocities requires specific indicators that are frequently not integrated into conflict prevention horizon scanning processes. This means that emerging crises are sometimes 'missed' or that early warning signs not prioritised by existing conflict prevention or broader international development strategies.

3. The UK and atrocity prevention:

Current policy, emerging challenges

As a permanent member of the UN Security Council, a founding member of NATO, and a leading international aid donor the UK plays a critical role in steering global prevention and protection efforts. The UK has been an important proponent of R2P at the United Nations and contributes financially to the UN Office on Genocide Prevention and the Responsibility to Protect. While the UK has therefore been active in supporting the development of policy initiatives such as the UN Framework of Analysis for Atrocity Crimes it can do more to integrate these and other atrocity prevention measures into its own decision-making procedures.¹¹

It is widely recognised that the UK leads much of the world in its overseas development strategies and aspects of its conflict prevention policy. Preventing conflict and building stability overseas is enshrined in numerous UK policy strands as being fundamental to the national interest.¹² Other related policies include 2011 Government Strategy on the Protection of Civilians in Armed Conflict, the twice-updated UK National Action Plan on Women, Peace and Security, and various International Development policies such as 2007 'Preventing Violent Conflict.' In passing the bill to enshrine in law its commitment to spend 0.7% of GDP on international development, the Government made the UK the first G7 country to meet the UN's 45-year-old aid spending target. The updated 2015 UK Aid Strategy has meanwhile increased to 50% the share of aid that is provided to fragile and conflict-affected states.

Many aspects of existing policy implemented through the Foreign and Commonwealth Office (FCO) and the Department for International Development (DfID) indirectly address the challenges associated with identity-based mass violence and could be readily adapted to integrate atrocity prevention and civilian protection measures. The Building Stability Overseas Strategy (BSOS), for example, currently prioritises the prevention of conflict but does not identify either identity-based mass violence or

atrocity crimes as a distinct challenge. ¹³ Preventing violent extremism, on the other hand, is understood as an overlapping but specific priority. Increasingly, some efforts to prevent (rather than counter) violent extremism seek to incorporate components that support an atrocity prevention agenda. BSOS's three-way approach to preventing conflict and maintaining stability through early warning, rapid response, and upstream prevention echoes recent calls from atrocity prevention advocates but without applying what is often called an "atrocity prevention lens" or matrix of identity-based violence. As such, BSOS has so far failed to bolster UK atrocity prevention efforts. ¹⁴

The combined 2015 National Security Strategy (NSS) and Strategic Defence and Security Review has meanwhile reaffirmed the UK commitment to relevant UN mechanisms such the Responsibility to Protect and Human Rights Up Front, but - unlike its US equivalent - the NSS did not directly address the threat to global security posed by mass atrocity crimes or the global upturn in patterns of identity-based violence. 15 By way of comparison, the United States has itself sought to institutionalise a more consistent approach towards atrocity prevention over the last decade. The centrepiece of this effort has been the establishment in 2012 of a budgetneutral interagency Atrocities Prevention Board (APB) that is designed to ensure a coordinated government' approach. 16 'whole acknowledging preventing mass atrocities as a specific policy challenge and core national security interest, the last US administration was able to integrate the agenda throughout its institutional structure. Simple measures include tailoring foreign aid toward atrocity prevention and the publication by USAID of a comprehensive field guide on mass atrocity prevention. 17 While it has not been without criticism, the development of the APB offers a number of valuable lessons for the UK, having recently been praised for its role as 'an incubator for innovative structural reform and creative thinking about emerging crises'. 18

Recent crises such as those in Syria, Burundi, Central African Republic, South Sudan, Myanmar, and elsewhere could have been addressed earlier and more effectively had the UK Government recognised identity-based violence as a distinct challenge, acknowledged the prevention of atrocity violence as a clear national interest, and been equipped with transparent cross-cabinet and cross-party mechanisms of decision-making. Had a set of key indicators been effectively monitored and communicated, the UK would have found itself in a stronger, more informed position.

A continuing reluctance to address atrocity crimes as a policy challenge distinct from either conflict prevention or broader development strategies is negatively impacting decision making. The commitment by DfID to end the modest bilateral aid programme with Burundi in 2011, for example, was made without taking into account the considerable risk of further atrocity crimes in the country. Similarly, the crossgovernment UK Stabilisation Unit entirely failed to include the Central African Republic in its 2013 risk analysis – despite it being a state extremely prone to atrocity crimes – because indicators of identity-based violence are not yet integrated into existing horizon scanning methods.

Preventing Sexual Violence in Conflict

The UK does already recognise that some forms of identity-based violence can be more successfully prevented by distinguishing them from conflict prevention. The Preventing Sexual Violence in Conflict Initiative (PSVI), for example, has not only succeeded in elevating the issue as a national and international priority but has led the way in its implementation of specific training, funding, and programme support. The UK initiative has prompted a "lens" of sexual violence prevention to be integrated within broader UK policy strategies and objectives; in other words, sexual violence has been acknowledged as a distinct violent phenomenon that —while falling within the broader conflict prevention agenda— also requires specifically tailored skills, knowledge and expertise to combat effectively. 22

Yet, even within the PSVI, an understanding of the correlation between patterns of sexual violence and other forms identity-based mass violence is lacking. Sexual violence is used as a weapon of war but more specifically to destroy the social and family fabric of civilian groups understood by the perpetrators to be their enemy. Campaigns of sexual violence are therefore frequently present during times of identity-based mass violence. Here, existing knowledge is not being utilised; PSVI is in large part a practical execution of the lessons learnt from of the patterns of sexual violence perpetrated against Bosnia's Muslims, Rwanda's Tutsis and minorities in Darfur. Preventing sexual violence in conflict can only successfully be achieved through comprehensive and sustained strategies that address root causes, drivers, and risk factors "upstream" as well as crisis situations where violence could break out or is already ongoing. The introduction of a matrix of identity-based violence indicators could bolster existing PSVI efforts while broadening the UK's scope of commitment to tackling the violent targeting of groups because of an aspect of their identity.

EU normative commitments

Through its membership of the EU the UK made various normative commitments that both reinforce its national toolkit to prevent atrocities and strengthen the Union's capabilities. While the prevention of mass atrocities is not an explicitly stated commitment of the EU's External Action Service, it does fit clearly within the EU's broader objectives. In December 2016, Representative Federica Mogherini reiterated that the prevention of genocide and mass atrocities is an integral part of the EU's foreign policy aims.²⁴ EU potential to more effectively combat mass atrocities is significant and could be much improved. However, there are concerns that the UK's withdrawal may further weaken both the financial and political capacity of the EU to effectively pursue an atrocity prevention agenda. Without replicating these normative and financial commitments within its national structures the UK's de facto contribution to atrocity prevention will very likely be reduced.

Sanctions: As a member of the UN, the UK is legally obliged to implement all sanctions adopted by the UN Security Council. At present, the UK -like all members of the EU- maintains compliance with UN sanction regime primarily though EU legislation. With forthcoming UK withdrawal from the EU, this will need to be explicitly addressed through new legal powers, separate from an Great Repeal Bill process. Where it chooses to do so, the EU is able to supplement UN measures or apply its own autonomous, so long as the measures are taken in accordance with the objectives of the EU Common Foreign and Security Policy. 25 EU measures can likewise be imposed to uphold respect for human rights, democracy and the rule of law.²⁶ While the UK has an autonomous terrorist sanctions regime and has powers over the regulated sector under the 2008 Counter-Terrorism Act and the Terrorist Asset-Freezing Act of 2010, it does not yet have an autonomous mechanism to apply sanctions against those of funding, suspected supporting commissioning mass atrocities. The last Government opened a public consultation on the United Kingdom's future legal framework for imposing and implementing sanctions providing the new Government with the opportunity to ensure that the UK retains - if not strengthens the capability to use sanctions in its atrocity prevention and civilian protection strategies.

Funding & Instruments: Various EU funding and policy streams pursue objectives relevant to atrocity prevention. The EU External Action Service integrates certain atrocity prevention indicators into their horizon scanning practices while certain funding instruments such as the European Instrument for Democracy and Human Rights; the Instrument for Stability; and the Development Cooperation Instrument have been identified as important components of the EU's atrocity prevention capabilities.²⁷ On withdrawing from the EU it may be prudent for the UK maintain important channels of communication to ensure the sharing of information between national and EU institutions. Furthermore, in recognising that a proportion of the UK's financial commitment to the EU supported objectives vitally important to atrocity prevention, similar funding commitments should be replicated via the UK's domestic frameworks.

Soft power: Outside the EU, the UK will need to forge new diplomatic relationships at the United Nations and more broadly in its international relations. The role of regional groups of member states is an important, though often overlooked, component of how multilateralism and diplomacy works at the UN.28 As the UK prepares to withdraw from the EU, consideration should be made for diplomatic relations at the UN to ensure that the UK neither finds itself unnecessarily isolated nor unable to influence the EU group. The EU Treaty requires EU member states to uphold common positions at the UN so that their collective weight can have more impact in the world.²⁹ EU coordination routinely covers the six main committees of the General Assembly and its subordinate bodies, including at the UN Human Rights Council and in the UN General Assembly. This coordination involves over 1000 meetings a year in New York or Geneva to finalise EU positions.30 Opting out of these meetings with some of its closest allies may prove to be a shortfall. However, if the UK is able align itself existing EU-UN working practices and issue positions, cooperation on issues such as atrocity prevention may be preserved. In turn this may help to ensure that as permanent member of the Security Council, the UK can continue to wield significant hard and soft power. Just as the UK enters a period of uncertainty, so too the EU and the US. There is a pressing need for responsible international leadership and a great opportunity for Britain to indeed become more global.

Protective military action

The legacy of the US-led invasion of Iraq in 2003 has undoubtedly left deep scars in the British political consciousness regarding the use of force overseas, and most especially in the Middle East region. Many of these sentiments have also been reinforced in the fallout from NATO intervention in Libya in 2011. But the question of protective military action is not black and white. We know now that relatively small military actions in Bosnia and Rwanda could have saved countless lives. The question of when and how to use force will always be the most difficult dimension of mass atrocity prevention - but that does not obviate a responsibility to act.

Recent years have seen a shift towards the principle of recalling parliament ahead of armed deployment.31 This tendency has meant that major decisions over whether to deploy UK troops abroad have been made by parliament rather than resting solely with the head of Government. This is a democratising process that provides the opportunity for all Members of Parliament to share in the responsibility of what is, and will always be, one of the most challenging decisions in contemporary politics. It opens debate and pluralises decision making. However, consulting Parliament leaves votes on how best to protect civilians from atrocities vulnerable to being excessively politicised, whether along party lines or according to the domestic pressures of electoral cycles and poll ratings. Such short-term constraints limit debate and have thus far long-term inhibited more comprehensive commitments to protection abroad.

In part as a result of both the legacy of Iraq and the recent parliamentary votes on protective intervention, political positions regarding the use of force to protect civilians have become binary and ideological, rather than evidence led and context-specific. As a result, 'it is common now to conflate complexity with interminability, and intervention with the use of force... foster[ing] the illusion that the UK can opt out of fundamental challenges facing our friends and allies, or vast swathes of people suffering in an ever-more connected world'.³²

In some cases, military action may well be the right thing to do, in others alternative strategies may be more appropriate. Believing absolutely in the effectiveness of intervention, or rejecting the use of force in all circumstances, belies the

complexity of those specific contexts where atrocities occur. Similarly, when the use of force to protect civilians is put to a whipped vote, party politics supersedes the primary issue: how best to protect people from the gravest crimes. In future, parliament should be given a free vote when protective military action is being considered.

The recommendations of the recent Iraq Inquiry can provide an important basis from which to strengthen parliamentary and governmental processes that guide the decision of whether to take military action.³³ Three important themes emerge from these recommendations that are especially pertinent. First, if the potential for military action arises, the government should not commit to a firm objective before it is clear that this can be realistically achieved. Second, the sharing of information and intelligence must be better managed. As Sir John Chilcot wrote, there is a 'need to be scrupulous in discriminating between facts and knowledge on the one hand and opinion, judgement or belief on the other.'

Finally, better planning for post-conflict reconstruction is essential. In Libya, for example, the intervention was sanctioned as a protective strategy but its implementation was carried out with no "lens" focused on predicting or preventing further atrocities.34 The reluctance of the intervening powers to take into account who would rebuild Libya's political and economic infrastructure left a power vacuum, the consequences of which should have been foreseen.³⁵ Libya proved what should already have been evident; protective interventions must be informed by understanding that with deeper engagement comes greater responsibility.³⁶

Codifying the recommendations of the Chilcot report in law so as to ensure an appropriate framework around decisions on military action would improve procedural legitimacy in the eyes of the public and the wider international community. The conduct could make explicit the criteria and process by which future decisions regarding deployments of UK forces in order to protect civilians are made. Other commitments - such as working closely with local and regional actors, acknowledging a long-term responsibility assist in reconstruction, and supporting post-crisis reconciliation - would ensure that any protective military action formed part of a more holistic overarching strategy.

4. Recommendations

New Government

- Commit to the prevention of mass atrocities being a national priority, and a matter of national interest
- Ensure that existing normative commitments and procedures that support the atrocity prevention agenda made via the UK's membership of the EU are replicated in domestic processes
- Use its soft power to promote a responsible global leadership that protects the hard fought for gains made in atrocity prevention
- Commit to integrating mass atrocity prevention and prevention of identity-based mass violence into existing policy streams
- DfID, FCO, MoD and the Stabilisation Unit to integrate early warning indicators of identitybased violence in their fieldwork and risk assessments
- Elevate the UK focal point for the Responsibility to Protect to a more public role in order to improve transparency and accountability
- Maintain commitments to developing relationships with civil society partners in the field of atrocity prevention

UK at the United Nations

- Continue to support proposals for the voluntary suspension of the veto by UN Security Council permanent members and encourage other member states to pledge their support to the initiative
- Support efforts outside of the UN Security Council to develop alternative forums of multilateral legitimacy, including consideration of the UN General Assembly's 'Uniting for Peace' mechanism
- Support efforts to expand the UN's strategic framework and operational capacity for responding to mass atrocities

Parliamentary process

- Parliamentarians, Government and civil society should support mechanisms and working practices that address atrocity prevention and identity-based violence as a cross-party challenge such as cross-party advisors, All Party Parliamentary Groups, and cross-party dialogue
- Political parties should create portfolios for atrocity prevention and civilian protection
- Create a position of a cross-party special advisor for issues relating to mass atrocity prevention and civilian protection to foster collaboration and dialogue
- Select Committees and All Party Parliamentary Groups can apply their scrutiny to current UK strategies to address gaps between HM Government's rhetorical commitments to atrocity prevention and their practical implementation
- Parliamentarians can support calls for a Select Committee Inquiry on the UK's atrocity prevention capabilities

On the use of force to protect

- Parliament should adopt a code of conduct to guide any future deployment of UK forces in atrocity situations, making explicit a commitment to work closely with local and regional actors and acknowledge the longterm responsibility to rebuild and support post -crisis reconciliation
- Promote transparency of information and intelligence across parliament and, where appropriate, with the public
- Parliament should be given a free vote on matters of protective military action

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