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Parliament in Gross Human Rights Violations: The Case of Darfur

Abstract

Based on a study of three European parliaments, the article analyses parliamentary oversight on government policy towards gross human rights violations in third countries using the case of Darfur in Sudan (2003-2005). We find that parliaments with greater constitutional rights in foreign policy are more active in the scrutiny of executive action. Scrutiny is stronger in parliaments with developed and strong foreign affairs committees. Media and public awareness correlate with greater oversight activities in all the three chambers considered. In their oversight, MPs do not deter governments to consider the use of armed forces. Rather than revealing party differences, conflicts involving gross human rights violations such as Darfur are venues for the manifestation of division between the executive and legislature.

Keywords: Parliament, Oversight, Foreign Affairs, Darfur, Human Rights

Introduction

This article looks at parliamentary behaviour in foreign affairs on gross violations of human rights (e.g. genocide, torture, rape, and forced displacements) in third countries. By behaviour, we mean the oversight activity that brings attention to gross human rights violations in third countries and seeks to press governments into explaining their (in)actions or taking new or alternative action. It contributes to the literature addressing the role of parliaments in foreign affairs, which is relatively rich with studies on the use of armed forces, but lacks knowledge on the cases of gross human rights violations where governments do not respond with military operations (Raunio, 2014; Raunio and Wagner, 2017). It is this research lacuna that our study on Darfur addresses.

Our research motivation arises from findings in the aftermath of the Cold War which indicate that parliaments, alongside other domestic actors (e.g. non-governmental organisation,

media, and public opinion), have the potential to influence the resolution of conflicts by mobilising attention (e.g. Peterson, 1999; Everts and Isernia, 2015). The role of parliaments and other domestic actors are particularly important in conflicts, where swift action from the international community is required to stop gross human rights violations and prevent escalations, but where third party action is often delayed or weak. Darfur in 2004 is an example of such a conflict (Prunier, 2005, p. 131). It is often claimed that parliamentary involvement in foreign policy is undesired, since it can delay government action (Raunio and Wagner, 2017, p. 3). Our study shows that by not overseeing government (in)action, parliaments contribute to the lack of policy response. A hundred thousand casualties were recorded in Darfur before the first response of the international community (Prunier, 2005, pp. 99-100; Grünfeld and Vermeulen, 2014b, p. 35). Therefore, it is important to understand whether and how parliaments oversee government policy in the realm of gross human rights violations abroad, and what explains their behaviour.

Greater understanding on the case of Darfur is needed, since its population like the ones in other conflict areas relating to Sudan (South Kordofan and Blue Nile) have not seen peace. While several studies deal with different states and international actors in the conflict of Darfur (e.g. Prunier, 2005; Black and Williams, 2010; Grünfeld and Vermeulen, 2014a), there are limited accounts on the role of parliaments (Uscinski *et al*, 2009; Grünfeld and Vermeulen, 2014b). The handling of the Darfur conflict in 2004 still resonates today. In 2014, Sudan became a key partner of European governments to stem the flow of African immigrants. Considering the immigration crisis faced by Europe and the fact that Omar al Bashir, the President of Sudan, is wanted by the International Criminal Court (ICC) on war crimes charges related to Darfur, the situation in Sudan can be expected to re-emerge on the foreign policy agenda of European governments in the future. Darfur has also been compared to past conflicts, such as Bosnia and Rwanda, and so may hold lessons for future cases.

To provide new evidence on parliamentary oversight in foreign affairs, we start from observing institutional variables at the political system level (i.e. executive legislative relations); we then move to factors at the parliament level (parties and Members of Parliament's (MPs) interests). In our content analysis of activities in three parliamentary chambers (the French *Assemblée Nationale*, British House of Commons, and Dutch *Tweede Kamer*), we look at parliamentary activities (e.g. questions, plenary debates, resolutions, committee hearings and missions abroad), their timing relative to government actions, their content and the response of

government. We also look at who submits the questions in terms of parliamentary role (committee memberships, political ideology, and government versus opposition). Outside (informal) parliamentary activities are also considered. Our findings reveal that parliaments, albeit belatedly, scrutinised government foreign policy on Darfur following media attention and with little scope for party politics. Gross violations of human rights provide venues for the manifestation of divisions between the executive and legislature. Differences between parliaments and among MPs suggest that MPs' individual characteristics and institutional context define how parliaments respond to human rights crises.

Gross Human Rights Violations and Darfur

To analyse the role of parliament in the oversight of government policy over Darfur, we draw on the rational-choice theory of legislative behaviour (Saalfeld, 1995; Milner, 1997). Before doing so, we look at the nature of gross human rights violations in the context of Darfur. Our dependent variable is parliamentary oversight over government regarding its policy and actions on gross human rights violations in Darfur. Since human rights are governed by international treaties and institutions and given the fact that the focus of this study is on a third country, we treat the issue of human rights as an affair of states' foreign policy.

To investigate parliamentary oversight, we have chosen to focus on the case of Darfur between March 2003 and April 2005 as a period in which foreign governments responded to the violence for the first time. This period is crucial, since parliamentary oversight is more likely to affect government's course of action in the initial stage of engagement when a policy is being formulated and before a decision is made (Raunio and Wagner, 2017, p.12). By April 2005 the United Nations Security Council (UNSC) became the most active actor on Darfur, while the EU Council preferred to be in line with the rest of the international community in its response to the crisis (Grünfeld and Vermeulen 2014a, p. 150). As a result, little space was left to national parliaments to affect government policy that was not in line with the international consensus. This does not mean that parliament had less ability to pressure its executive at later stages, but it does mean that we are less likely to find changes in the executive policy positions in response to parliamentary activity.

The role of the US Congress during the later period from 2005 to 2006 has been researched, in particular in regards to the (US based) 'Save Darfur' campaign by Hamilton (2011) and Uscinski

et al. (2009). This campaign included civil society, such as student bodies and NGOs, and encompassed more than parliamentary action. The European decision-making regarding the EUFOR Chad/CAR mission of 2008/2009 is discussed in Pohl (2014) while Koivula and Sipila (2011) look specifically at the role of the Swedish and Finnish parliament. Our motivation for focusing on the earlier period lies in the idea that early intervention to emerging crises may be the most effective way to reduce escalation and save lives. Most of deaths due to violence occurred in the period of our analysis, while casualties in later years are mostly attributed to the general humanitarian situation in and outside refugee and IDP camps (Degomme and Guha-Sapir, 2010; Table 5).

The conflict in Darfur has various inter-related proximate causes, such as government oppression, socio-economic disparities, territorial disputes and independence movements, and ethnic and religious tensions. Darfur did not to attract major media attention at the start of violence and the international public remained largely unaware of Darfur until there was an intensification of violence. In the period considered in this article, Darfur was never a matter of direct national security for European governments due to its geographical remoteness from places of more strategic importance and lack of natural resources. Foreign governments' interest – particularly the ones of France and the UK as former colonial powers in Chad and Sudan respectively – can be explained from the movement of refugees to bordering countries, which risked to trigger inter-state conflicts (Salehyan, 2008, p. 792). Even if Darfur represented a clear national interest for foreign governments, the international community prioritised a working relation with the Sudanese government regarding its potential as an oil producer and role in gathering Al-Qaeda intelligence. Another factor to consider are the Comprehensive Peace Agreement (CPA) negotiations between the Sudanese government and South-Sudanese rebels, which were about to be finalised at the time the conflict in Darfur intensified in 2004. To avoid jeopardising the CPA, Western governments decided not to use military force in Darfur.

Parliamentary Oversight in Foreign Policy

Unlike cases of military deployments - where parliamentary approval is necessary in several countries (Peters and Wagner, 2014) - little is known about parliaments behaviour to oversee their executive where armed forces are not deployed. Foreign policy also rarely requires legislation, which means that to control cases such as Darfur, parliaments make use of their non-legislative

activities (Green-Pedersen, 2010). These include *ex-ante* instruments, such as parliamentary questions, debates, public hearings, declarations, and resolutions (written motions adopted in plenary), or *ex-post* instruments, such as committees of inquiry and fact-finding missions (Maffio, 2002; Russo and Wiberg, 2010). MPs can also make use of less formal channels, such as bringing attention to the topic by privately contacting government officials and mobilising attention through public campaigns, all party groups (APG), and debates outside parliament (Choi, 2010, pp. 442-444; Norton, 2010, p. 333).

Since we look at a conflict in motion between 2003 and 2005, our focus is on *ex-ante* instruments. Among these, parliamentary questions are the most accessible instruments MPs can rely on to control the executive. Even though their usage and mode of employment vary (e.g. oral or written questions, with or without debate, question time, and reply deadlines), parliamentary questions are ubiquitous and thus permit a comparison across legislatures (Wiberg, 1995; Russo and Wiberg, 2010). When parliamentary procedures allow, we also look at resolutions tabled by MPs. Through resolutions and questions, parliamentarians can bring to the attention of government any matter that is not on its agenda – they serve as communication tools for parliaments towards the executive as well as other domestic and international audiences (Wiberg, 1995). Resolutions on foreign affairs are a strong form of parliamentary engagement, since they are voted upon in plenary and thus, if adopted, constitute the formal opinion of parliament. Depending on constitutional rules, governments are not necessarily legally obliged to act upon them. In cases where they were held, we also look at parliamentary hearings as sources of information for committees and the chamber, which give parliament access to sources of information other than the ones from government.

Case Selection

To research the use of the above-mentioned oversight instruments, we have chosen to follow the cases of France, the UK, and the Netherlands. Our selection was driven by past government activity in Sudan, its geopolitical situation, and the time frame of the conflict. The UK, France, and the Netherlands have all been active in Sudan at some time in the recent past either individually or in the framework of the European Union (EU) in the CPA (Prunier, 2005; Grünfeld and Vermeulen, 2014b). The Netherlands took an interest in Sudan as a member of the EU Council Troika, and was in the position to lead its policy within the Common Foreign Security Policy (CFSP) between

January 2004 and June 2005 (Grünfeld and Vermeulen, 2014b). These three governments were also the most generous European aid donors in Sudan (House of Commons, 2005, pp. 91-92). Given the widespread belief that parliaments have little influence in a state conduct of foreign policy (see Kesgin and Kaarbo, 2010, pp. 20-21), we hold that our chances of detecting parliamentary oversight increases by selecting the three most active European governments in Sudan. Moreover, our selection allows us to observe behaviour in parliaments that operate in different political systems (e.g. majority government in the UK; semi-presidential system in France; and coalition government in the Netherlands; see Table 1); and where parliaments exercise weaker (e.g. France and the UK) and stronger (e.g. the Netherlands) levels of control on the executive.[1]

Table 1

Theoretical Framework

Executive-Legislative Relations

Our starting assumption is that parliamentary oversight depends on several factors in the institutional and legal environment. Firstly, it depends on the level of information parliaments possess (Millner, 1997). Better-informed parliaments will be more active in carrying out their control function than less informed ones. In foreign policy, it is the executive branch that has more information and benefits from information asymmetry at the expenses of the legislature (Saalfeld, 2000, p. 354; Millner, 1997, pp. 21-22). Where legislatures lack information, they will more often veto policy. The extent a legislature is informed depends on the structure of domestic politics.

Fused-power systems, where governments depend on support in parliament, give incentives to governments to keep their parliaments informed for the sake of avoiding pressure and difficulties on the policies a government intends to pursue (Peterson, 1999, pp. 25-27, p. 37; Andeweg and Irwin 2014, p. 175).[2] Some parliaments have the constitutional right to carry a vote on a motion of no confidence. In this respect government backbenchers are particularly important compared to opposition members, since the former can withdraw their individually committed support, while the latter have no such leverage (Saalfeld, 2000, pp. 363-365). Governments incentives to inform their backbenchers is even greater in cases of politically heterogeneous

majorities, such as coalition governments (Saalfeld 2000, 360-364; Elman, 2000, pp. 130-134; Kaarbo, 2012, pp. 20-21). Put differently, the coalition system, where power is shared between parties includes more veto players than majoritarian two-party system (Tsebelis, 1995; Choi, 2010; Schneider and Urpelainen, 2014). The greater the number of veto players, the greater the incentives of government to keep parliament informed, which in turn increases parliament's power of control.

Taking into consideration the logic of parliamentary support allows us to compare legislative control in political systems. Compared to executives invested in parliament, presidential executives are directly elected by citizens and cannot be removed from office during a policy dispute (Auerswald, 1999, p. 480). Due to their popular mandate, executives in presidential systems experience greater autonomy in pursuing their policy than the appointed ministers of parliamentary executives. The popular legitimacy of the presidential executive, thus, constrains the influence of the legislature. This is supported by the view that foreign policy is the executive's privileged domain in presidential systems (Reiter and Tillman, 2002, pp. 815-816). Accordingly, one would expect legislatures in presidential systems, where both the legislature and executive are directly elected, to be less active in their control of the executive compared to legislatures in parliamentary systems, where only the legislature is elected. However, the opposite has also been claimed. Strøm (2000, pp. 266–270) for example argues that competing popular legitimacy between the executive and legislature in presidential systems can make the executive warier of the legislature.

As there are no conclusive findings on the differences in parliamentary oversight (and executive autonomy), we find it useful to look at the specific constitutional rights of parliaments in the realm of foreign policy (Reiter and Tillman, 2002). We assume that the constitutional powers of a legislature in foreign affairs increase its propensity to be active in foreign policy issues where its rights are not constitutionally determined. In other words, we assume there is a spillover effect between foreign policy issues. We can summarize the above as follows: **Parliaments with greater constitutional rights in foreign policy and/or more heterogeneous political power division are more likely to be well informed on government activity in foreign policy, including cases of gross human rights violations in third countries, and therefore will exercise greater oversight on Darfur (Hypothesis 1)**.

To define the power of legislatures in foreign policy, we rely on an indicator that measures their role in the ratification of international treaties, authorization of war, and army deployments

(Reiter and Tillman, 2002, p. 819). Table 2 provides an overview of these formal powers based on which we expect Dutch MPs to exhibit greater control on their government compared to MPs in France and the UK. Greater control would for example translate into the submission of earlier and more questions. Given the number of parliamentary parties supporting government (i.e. heterogeneous political power; see Table 1) and parliament's ability in censuring government in our three cases, we expect the Dutch parliament to be more active in the oversight activities than the French and British. While a motion of no confidence can be adopted in all three chambers, its institutional ability to remove government from office is relatively greater in the Netherlands. The Dutch parliament can censure the government or individual ministers. Albeit not often, when it adopted motions of no confidence, these have always led to resignations (Andeweg and Irwin, 2014, p. 173). In the UK, the government is rarely defeated in parliament and when it is, a motion of no confidence has rarely forced it out of office. Motions of censure are rare in France as well. However, when this occurred in 1962, it led to the resignation of the Prime Minister.

Table 2

Behaviour in Parliament

Moving on from the characteristics determining executive-legislative relations to variables pertaining to the internal functioning of parliament, behaviour is per rational choice explanations guided by MPs' individual self-interests (Saalfeld, 1995, pp. 35-37). Most commonly, these interests pertain to an MP's chances for (re-)election (Mayhew, 2004, p. 15). Being elected namely precludes MPs' pursuit of constituency representation, good policy, and influence. This leads us to ask to what extent re-election depends foreign policy issues?

Regarding the saliency of foreign affairs for the electorate, studies have shown that voters are likely to punish politicians when foreign policy has cost in terms of soldier casualties and when they divert resources from other policy priorities (Gartner and Segura, 1998; Hildebrandt *et al,* 2013; Andeweg and Irwin, 2014, p. 259). Due to the potential electoral cost of a government's decision, MPs are incentivized to oversee governments when its decisions involve the deployment of armed forces (Hildebrandt *et al,* 2013), especially when MPs need to approve such deployments (see Table 2). Therefore, our hypothesis is that **in their oversight, MPs pay attention to the possibility of the use of armed forces (Hypothesis 2).** This hypothesis pays particularly attention to the content of MPs' questions. *Ex-post* we know that in the case of Darfur, the international

community did not dispatch a military mission to the region during the period of analysis. Ideas and proposals on the deployment of armed forces were dismissed from the outset of the conflict for reasons explained on above. However, Darfur shares some characteristics with other conflicts where individual countries or the international community did use military force for reasons of gross human rights violations (Walling, 2013, p. 185; Mello, 2014).[3]

Aside from (re-)election risks that can arise from supporting (the wrong) government foreign policy decision, literature points towards the motivation of MPs to act as the representatives of the opinions, interests, and values of people that have elected them (Pitkin, 1967). Accordingly, MPs engage in control activities, when the public or a group of constituents are affected by a conflict in a third state or voice their concerns. When the public becomes aware of a humanitarian tragedy and/or public pressure is at its greatest, parliament is willing to act, since an electoral connection is established and a sense of moral responsibility to help people in need is awaken (Ripley and Lindsay, 1992, p. 442). Hence, we hypothesize **MPs' oversight on Darfur is motivated by public awareness (H3).**

This hypothesis gives us a clear test on the timing of MPs' activity. Public awareness is triggered through conflict awareness delivered by the media (Hildebrandt *et al*, 2013). Until spring 2004, the international public remained unaware of Darfur despite several NGOs' reports in 2003 (Campbell, 2007, p. 366). Governments on the other hand, including the ones considered in this article, were aware of the scale of the disaster already in 2003 (Seymour, 2014). Dutch and UK ministers visited Sudan at the end of 2003 and planned the first humanitarian assistance by directly putting pressure to allow humanitarian workers access to the area.[4] From April 2004, NGO reports were complemented with media interest, which coincided with declarations from the European Parliament (EP), US Congress and Secretary of State that the situation in Darfur is genocide and the adoption of the first UNSC resolution setting up the International Commission of Inquiry on Darfur (COI) (Resolution 1564, September 2014) (Gryzb, 2010). In January 2005, the COI issued a report in which it refrained from making a conclusion whether genocide had occurred, but it identified individuals to prosecute for war crimes and crimes against humanity (UN Doc. S/2005/60). In winter 2005, there was intense diplomatic activity in response to the COI's report. Nevertheless, the UNSC did not pass new measures until March 2005. Given this course of events, we expect to see greater parliamentary oversight activities in the second half of 2004 compared to the earlier stage of the conflict considered here.

While above we argued that parliamentary oversight will occur from the possibility of the use of force and public awareness, Darfur is not a priority for the electorate or the public, which might result in weak oversight (Uscinski *et al*, 2009). In this case, we expect gross human rights violations to be taken on by the so-called foreign policy entrepreneurs or Darfur entrepreneurs. Foreign policy entrepreneurs are individuals or groups of MPs who frequently express their views on foreign affairs issues due to their personal interests and expertise on an issue (Carter and Scott, 2010). They engage in substantive and symbolic parliamentary activities as advocates of good policy. Foreign policy entrepreneurs are frequently found among members of committees dedicated to foreign affairs issues (e.g. human rights and international development) (Uscinski *et al*, 2009; Carter and Scott, 2010). This is in line with the information theory on parliamentary organisation, which predicts that committees are policy-specialised bodies, which gather together MPs with relevant expertise (Krehbiel, 1992). Accordingly, we hypothesize that **individual MPs who are members of committees on foreign affairs are more likely to oversee government action on the issue of Darfur than members of committees dealing with domestic matters (H4).**

We expect to find evidence (i.e. above average/frequent use of oversight instruments and extra parliamentary activities) of foreign policy entrepreneurs on Darfur in the UK, since Sudan was a British colony. The colonial history in Chad, Sudan's neighbour, might also stimulate control from foreign policy entrepreneurs in the French National Assembly. Compared to the French National Assembly, foreign policy entrepreneurship in the House of Commons is facilitated by the extensive network of select committees and the APG on Sudan (established in 1998). While the British government is not obliged to act upon the committee reports of the House of Commons (Norton, 2010, p. 328), we assume this does not deter foreign policy entrepreneurs, since they aim for substantive and symbolic activity. While there is no colonial link with Sudan, the Netherlands have over the years prioritised human rights in their foreign policy. In the *Tweede Kamer* policy work is specialised in several committees where it is practice to discuss with ministers before EU Council meetings and formulate mandates. The government is bound by this mandate and must report back to what extent these objectives were achieved. We expect these general conditions to facilitate foreign policy entrepreneurship in the *Tweede Kamer*.

Party-politics

While gross human rights violations are moral issues, which should be free from divisive ideology (Ripley and Lindsay, 1992), several studies report a partisan left-right effect on specific foreign policy issues (see below). By leftist parties we refer to those with a socialists and redistributive agenda, while rightist parties stand for those with a conservative and free market agenda (Thérien and Noel, 2000; Schneider and Urpelainen, 2014, p. 122). It has been found that leftist parties dedicate more resources to development assistance (Fleck and Kilby, 2006), are more likely to support peace enforcement and multilateral cooperation for conflict resolution (Rathbun, 2004; Broz, 2008), and the ratification of human rights treaties (Simmons, 2009). They are also less likely to align with US position in the UN General Assembly (Potrafke, 2009). Leftists parties running on a green agenda bring up human rights issues more often than others (Feliu *et al,* 2015) and abstain or vote against military deployments (Mello, 2014; Wagner *et al,* 2017). In the case of military missions, leftist parties are more inclined to oversee government foreign policy (Wagner *et al*, 2017). Studies also point to a different parliamentary behaviour based on parties' position in politics. Kaarbo and Lantis (2003) found that when in government, green parties steer government towards pacifist positions. Based on the research in foreign policy listed above, **we hypothesise that leftist MPs are likely to bring up the issue of Darfur more frequently than rightist MPs (Hypothesis 5)**. It has also been found that foreign-policy entrepreneurs tend to work on the issue of human rights independently of party affiliation to government or opposition (Hildebrandt *et al,* 2013). Accordingly, we expect that leftist MPs are more likely to address the issue of human rights violation in Darfur than rightist members, even when their party is in government (e.g. the British case in this article).

Data

To analyse parliamentary oversight on the government response to the situation in Darfur, we looked at parliamentary activities and compared them to those of government. We gathered parliamentary questions, transcripts from parliamentary debates and committee hearings, resolutions, and the proceedings of parliamentary missions abroad. Our collection is based on a search in the official parliamentary publications using the key words Darfur and Sudan. In total, we collected 186 parliamentary questions (written and oral) or interventions (without articulating a question) put forward in committee meetings and plenary debates between March 2003 and April 2005.[5] Plenary debates were counted when the topic of Darfur was discussed, but it did not need

to be the exclusive item on the agenda. Figure 1 gives an overview by month, while a summary of the numbers for each parliament is given in Table 3.

While our data sample is relatively small, it was not an obstacle to discern patterns of behaviour. Our analysis would admittedly benefit from other sources such as interviews with MPs to provide information on informal or extra parliamentary activities (p. 5). However, due to the time distance of the case, interviews can for example suffer from respondents' selective memory, where they remember or not remember events that occur at some point in the past and reduce data reliability. This is a limit in our research. We partly mitigated this by conducting a Nexis-lexis news article research for activities MPs undertook outside parliament and which are difficult to trace in official parliamentary records.[6]

Table 3

Figure 1

Findings

Hypothesis 1 related the legal-institutional environment of parliaments in the oversight of gross human rights violations in Darfur. We used the differences between the three parliaments to look at when MPs posed questions to the government, how many questions they asked overall, and how substantive these questions were. In terms of legal power, we expected the Dutch parliament to be the most active compared to the French and British.

The first parliament to pick up the issue of Darfur was the French one in March 2003, when MP Michel Destot asked the Ministry of Foreign Affairs on the consequences of instability in Darfur for Chad (*Journal Officiel*, 31 March 2003, p. 2312, question 15088). His questions also preceded any government reporting in parliament.[7] The first question in the House of Commons dates 20 January 2004, when MP John Bercow asked the State Secretary for International Development on his plan to visit Darfur, the humanitarian and safety situation there, and whether the government would take steps to initiate a COI (Hansard, 20 January 2004, Column 1140W). The *Tweede Kamer* was the last one to address the issue in May 2004 (question from Brinkel and Ferrier (CDA), ah-tk-20032004-1613, 26 May 2004). This is surprising given the fact that several ministers had visited Sudan already in December 2003 and January 2004. Upon their return, they reported to parliament, but MPs did not take further action.

Relative to the British and Dutch, the early reaction from French MPs did not develop into subsequent increased oversight activity on Darfur. What turns out to be relevant is the extent and regularity of government reports to parliament on the developments in the conflict. While all the three chambers sent written questions to governments asking for updates on the events on the ground and on their response, only British and Dutch MPs were given detailed descriptions on the cost of humanitarian assistance and diplomatic contacts with the Sudanese government, EU, and UN. While the British and Dutch governments promptly answered questions from parliament, this was not the case for the French government despite the fact it is obliged to answer within two months (*Assemblée Nationale*, 2015, Article 135 of the Rules of Procedure).[8] For example in May 2004, a French MP asked how the issue of Darfur was addressed in the UN Commission on Human Rights, but received an answer one year later (*Journal Officiel*, 25 May 2004, p. 3752, question 39948, answer 3 May 2005, p. 4495). On the other hand, the British Secretary of State for International Development reported to the House of Commons on his visit to Sudan the same afternoon he returned (Hansard, 9 June 2004, Col 275). In France, there were also fewer debates with the Foreign Minister, and even when Darfur was addressed, MPs did not always follow up with direct questions on the matter, focusing on other topics instead.

Besides the lack of information from government, we find that there was an obvious lack of expertise in the *Assemblée Nationale*. This is reflected in the questions of French MPs, which were general and put forward a few months later than their counterparts in the other two chambers. On the other hand, individual UK MPs were well informed on the local situation. The House of Commons was also the only chamber that sent a delegation to Sudan (2005), while another group f MPs visited Sudan in the APG framework in 2004 (Hansard, 21 July 2004, Column 97WH). Also, three Dutch MPs (Koenders (PvdA), Brinkel (CDA) and Karimi (GL) visited Darfur in October 2004, where upon their return they made the case for more diplomatic pressure and less emphasise on sanctions (ANP, 24 October 2014).

A strong formal action came from the *Tweede Kamer*, which adopted two motions on Darfur. In September 2004, a unanimously adopted motion favoured a pro-active position of the government towards a UN arms embargo, oil boycott, and no-fly zone (*Tweede Kamer*, Kst 29800-26, 29 September 2004, sponsored by opposition party leaders Halsema (GL), Bos (PvdA), Marijnissen (SP) and Herben (LPF)). The second motion was adopted in November 2004 and called for financial and technical assistance for the African Union (AU) monitoring mission

(*Tweede Kamer*, Kst 29800-V-57, 9 November 2004, sponsored by MPs from the Foreign Affairs Committee Koenders (PvdA), Brinkel (CDA), and Karimi (GL)). Neither the House of Commons nor the French National Assembly tabled a motion. The effect of the *Tweede Kamer* resolutions is disputable, since what it proposed had been implemented or was government policy already. For instance, the September 2004 motion requested government to explore the possibility for an arms-embargo and an oil-boycott. Albeit weak, both had already been in place either at the EU or UN level. However, the *Tweede Kamer* also demanded an investigation into enforcing a no-fly zone, against the government wishes (Grünfeld and Vermeulen, 2014b). The Dutch Foreign Minister brought up parliament's proposal for a no-fly zone in the EU Council at least four times. A similar proposal was put forward in the House of Commons. Despite parliamentary support, the no-fly zone was never implemented. As an explanation for not enacting the no-fly zone, governments pointed to multilateral diplomacy and inexistent support for such measures among EU Member States (Grünfeld and Vermeulen, 2014b).

These results suggest that the activity of the Dutch Parliament can to a large extent be explained from the legal-institutional environment that exists in the Netherlands, such as its significant power with regards to foreign policy and the heterogeneous political system that requires government to keep parliament well informed. In contrast, the activity from the House of Commons does not seem to be derived from this explanation, as its formal powers and the government reliance for support appear weak at first sight. The French *Assemblée Nationale*, although not without authority in foreign policy in general appears to be largely side-lined by the government.

The second hypothesis related parliamentary activity to the issue of the use of armed forces. We expected MPs to become more active in control activities when there is the potential of military involvement and hesitant to favour it due to potential electoral cost. The possibility of military involvement came about from discussions over whether actions in Darfur amounted to genocide - a topic which took up a large amount of time in all three chambers. The acknowledgment of governments or the UN that the situation in Darfur constituted genocide may have forced them to act through military deployment. July and August 2004 were critical months in that regard, with the US Congress, US Secretary of State, and the EP all making equivalent statements indicating the situation in Darfur amounted to genocide. In Figure 1 we can see that the summer period also attracted most questions in all parliaments. Naturally, when much diplomatic activity is taking

place around Sudan and Darfur, there was much media attention as well. Therefore, it is not immediately obvious from the timing and number of questions whether the activity of MPs is exclusively due to the matter of military involvement or due to public awareness (discussed below).

Hypothesis 2 also suggested that MPs would be hesitant to favour military force when a nation own soldiers' lives are on the line. We see that MPs queried governments on their assessment of the situation, sometimes evoking past tragedies in Bosnia and Rwanda. Governments were questioned repeatedly on the characteristic of the violence, being acts of war crimes, crimes against humanity, ethnic cleansing, or genocide. MPs suggested the type of instruments governments could use to address the conflict, particularly the COI and a no-fly zone. More coercive measures were also suggested: sanctions, support for the AU monitoring mission, UN peacekeeping mission, arms embargo, oil-boycott, and even unilateral military intervention. Parliamentary oversight favoured strong actions against the Sudanese government in Darfur. Other topics, such as the extent of diplomatic activity and humanitarian aid were discussed as well. The responsibility of the UK for Sudan given their colonial history was also present (e.g. Hansard, 21 July 2004, Column 97WH). History also played a role in France, where references to Chad are more common than in British or Dutch MPs' questions.

We can conclude that MPs became more active in their oversight when the conflict was regarded so serious that mandatory military measures from their governments could become a possibility. Rather than acting as a break on new military involvement, MPs were generally more likely to argue in favour of some sort of intervention rather than advice the government against it. One of the two motions that the Dutch Parliament adopted explicitly requested from the Foreign Minister to discuss a form of military intervention with his European counterparts.

Hypothesis 3 related MPs' oversight to public awareness, and we argued that this could be tested by looking at the timing of the questions. Various studies have looked at media attention during the early days of the Darfur conflict (Vos, 2006; Grzyb, 2010). These studies find that the media only started to really pick up on the topic from May 2004 onwards, with a peak of reporting over the summer and quickly diminished during the fall.

This pattern is remarkably like the pattern in Figure 1. The wider public attention for the conflict coincides with increased number of questions from parliament and (plenary or committee) debates with their respective governments. Most questions were in fact asked between May and

December 2004. British MPs asked the most question in June 2004, while French and Dutch in September 2004. Before the situation in Darfur was widely reported in the media from April 2004 onwards, only nine questions were asked in the three chambers. We already noted the early questions by a French and UK MP, but these did not lead to follow-up inquiries.

The fact that media reporting played a role is corroborated by several MPs who quoted media as the source for their inquiries (e.g. Brinkel and Ferrier (CDA), Tweede Kamer, ah-tk-20032004-1613, 26 May 2004). Nevertheless, the second half of 2004 corresponds also with the first formal response of the international community. On 11 June 2004, 20 July 2004, and 18 September 2004, the UNSC adopted its first resolutions (Resolution 1547, 1556, and 1564), which the European Council backed with sanctions (Council Common Position 2004/510/CFSP, 10 June 2004). The fact that June and September 2004 were crucial months in terms of parliamentary scrutiny is illustrated in Figure 1. Besides media reporting and governments' activity at the international level, governments reported more frequently to parliaments about progress made in Darfur. The Minister for Foreign Affairs in France, gave evidence on Darfur in two foreign affairs committee hearings (16 June 2004 and 14 September 2004).

Since we cannot disentangle the effect of news media from government reporting to parliament, it is difficult to conclude whether parliaments were motivated by public awareness delivered through the media only. However, parliaments had not scrutinized governments before the media reported on the situation in Darfur, even if governments had been active on the issue of Darfur already in 2003 and early 2004. This suggest that MPs did not put a priority on Darfur, even though their government was dealing with it, until the moment the issue was covered by news media.

The fourth and fifth hypotheses dealt with internal dynamics in parliament. Hypothesis 4 related Darfur entrepreneurship and oversight to MPs' committee affiliation. The importance of foreign affairs committee membership is seen in the *Tweede Kamer* and House of Commons, but not in the *Assemblée Nationale*. Among the 20 MPs who tabled a question in the *Tweede Kamer*, only one was not member of the Foreign Affairs Committee. The resolution adopted in November 2004 was also sponsored by three MPs from the Foreign Affairs Committee. All together 35 different MPs intervened in the House of Commons; one fifth of them were members of a committee with foreign affairs competences. Particularly the International Development Committee was active, since it published two reports, held one third of its 2004 hearing on Darfur

and dispatched a delegation to the region in 2005. In France, questions were asked by members affiliated to all the six committees of the National Assembly. From the 48 MPs tabling questions, a sixth were affiliated either with the Committee of Foreign Affairs or Defence. Together they asked 13 questions, which amounted to a fourth of all the questions.

We found evidence for Darfur entrepreneurs in all cases. In France, François Bayrou (UDF President and MP) acted as a Darfur entrepreneur. None of his activities are traced to parliamentary instruments compared to entrepreneurs in the Netherlands and UK. Bayrou raised awareness with an opinion piece in Le Figaro (3 June 2004, p. 13). In February 2005, he visited Darfur and spoke with the Sudanese foreign minister and NGOs (AFP, 19 February 2005). Upon his return, he raised the issue of Darfur directly with president Chirac during consultation on the European constitution referendum (AFP, 2 March 2005). In the Netherlands, the Green Party MP Karimi repeatedly questioned government on the case of Darfur. Apart from her membership in the Foreign Affairs Committee, we can explain her activities as a former refugee who had been active on human rights prior to her mandate in parliament. In complete opposition to Bayrou, her entrepreneurship does not transcend in extra parliamentary activities. We found sporadic evidence of extra parliamentary activities in the Netherlands and these were linked to MPs who were already active in parliament as well (e.g. Koenders, Trouw, 23 April 2005, p. V16; Fierens, Parool, 2 August 2004, p. 2).

The most active MPs in the House of Commons were Bercow (Conservative and Shadow Secretary of State for International Development), Dawson (Labour), and Drew (Labour). As members of the APG for Sudan, they visited Darfur in 2004. Bercow returned to Darfur in 2005 as a delegation member of the International Development Committee. Alongside other MPs, Dawson included, he launched the Protect Darfur Campaign and signed a parliamentary statement asking the UN for a bolder intervention (Guardian.com, 31 March 2005; M2 Presswire, 1 April 2005). Both Bercow and Dawson were active in the media (The Independent, 2 August 2004, p. 29; 10 August 2004, p. 30; Independent on Sunday, 15 August 2004, p. 25). It is plausible that the expertise and genuine interest in Sudan from these MPs accounts for the activity of the House of Commons. The UK MPs activity could not be explained very well by the legal-institutional characteristics. The activity of these individual MPs therefore appears to compensate for that.

We can conclude that where committees are topic and policy specific bodies, they serve as the main avenue for parliamentary oversight. This holds for both the Netherlands and the UK, whereas the more generalist committees within the French Parliament lack policy specialist

groups. We also find for the first two that within the committees of Foreign Affairs or International Development there are differences among members, where some show much more interest and are exceptionally knowledgeable about the situation in Darfur and the potential role foreign governments can fulfil in alleviating the consequences of conflict.

Finally, the fifth hypothesis related the oversight activity of MPs to party politics, where we expected that MPs of leftist political groups would be more likely to bring up gross human rights violations in Darfur. In France, the rightist presidential majority (UMP and UDF MPs, 27 questions), formulated more questions than the opposition members of the United Left (24 questions). The two biggest parties, PS and UMP, formulated 23 and 25 questions respectively. In the House of Commons, Conservative MPs asked 41 questions, while members of the governing Labour party tabled 30 questions. In the Netherlands, twenty different MPs from eight different parties contributed on the issue of Darfur. From a total of 57 question, 25 of them came from leftist parties (SP, GL, PvdA and D66), while 32 were tabled by rightist parties (CDA, VVD, and LPF). The most questions were put forward by the liberal VVD (14), Greens (13), and PvdA (12).

On the aggregate level, our findings show that rightists MPs asked more questions than leftist MPs, where the difference in the number of question vary between 2 to 11 questions. At the individual level, there is no conclusive evidence whether ideology affected oversight activities on the case of Darfur. At least one MP per party asked questions on Darfur. Our result is not congruent with those from the most recent studies in military affairs showing leftists MPs to oversee the executive more often (Wagner *et al,* 2017; Sakaki and Lukner, 2017). As noted by Raunio and Wagner (2017, pp. 12-13), this might be due to different foreign policy topics.

It is worth mentioning that no major differences are observed between MPs in the opposition and those supporting government. Bipartisan behaviour is particularly noticeable in the House of Commons, where MPs supporting government were equally critical of government compared to the opposition. By looking at parliamentary questions, the government-opposition cleavage is visible in the case of the Netherlands. MPs from the centre-leftist D66, which was in government, rarely expressed opinions on how the government was tackling the conflict. On the contrary, leftist members of the opposition Green Party did. However, this difference might be due to the stronger international orientation that the Green Party developed compared to the domestically orientated D66. It is remarkable that even though the Green Party was in opposition, rightist parties (CDA and VVD) in government still managed to ask more questions that leftist

parties. Finally, we observed different attitudes within the governing coalition. While CDA, the majority partner in the coalition was hesitant in supporting military interventions, minority partners D66 and VVD have asked government for immediate intervention, albeit not necessarily meaning a Dutch military contribution (Algemeen Dagblad, 3 August 2004, p. 5; Trouw, 7 August 2004, p. 15).

Conclusion

The issue of gross human rights violations in third countries is a recurring topic in foreign policy but relatively little is known about how parliaments try to oversee governments in this area. We provided this analysis for three West European parliaments in the case of Darfur between 2003 and 2005, guided by five hypotheses that gave rise to various prediction regarding the number, timing, content of the questions as well as which MP is more likely to be involved. While the role of parliament is to make sure the executive does not overstep its prerogatives, in our case parliament and MPs had the role to motivate government to use its prerogatives.

While each parliament was active around the same period, we find significant differences in their interaction with government and the details of questions. We can explain the activity of the *Tweede Kamer* overall from its formal power, while individual MPs are driven by their committee membership and personal expertise. In the UK, where the House of Commons is relatively weak in formal powers with regards to foreign policy, the role of individual MPs compensates to make the House of Commons quite active in questioning the government. The French parliament appears the weakest. While a similar amount of questions is asked, the content is much less precise and the government postponed answers for many months. The limited powers of the *Assemblée Nationale* and the lack of policy specific committees can account for this lack of oversight in comparison to the other two parliaments. These findings are in line with Ostermann (2017).

Our study provides evidence for the existence of foreign policy entrepreneurs in European legislatures besides those in the US Congress (Carter and Scott 2010). Entrepreneurship differs by case. In the case of France, it includes exclusively extra parliamentary activities. In the Netherland, official parliamentary instruments were used the most, while British MPs combined both forms. This raises questions on how to define foreign policy entrepreneurship and what factors determine it. As pointed out by Raunio and Wagner (2017, p. 12), foreign policy entrepreneurship is a promising area for future research. Our study suggests that informal activities outside parliament

are an important factor especially where legislatures have weaker institutional rights in foreign policy.

Overall our conclusion is that parliament's ability to oversee government's conduct in cases of gross human rights violation abroad does not solely depend on the internal balance between the legislative and executive branch of government. We observe that the Dutch political system allowed parliament to force government to propose a military measure in front of the EU Council, and that the institutionally weakest parliament in our study (*Assemblée Nationale*) was also the weakest in its scrutiny. Despite this, we can establish that factors outside the executive/legislative relations affected how parliaments responded to gross human rights violations in Darfur and scrutinised government's policy towards it. Besides the level of information provided by government and expertise in parliament, we find that greater parliamentary activity (e.g. questions, missions to Sudan, reports, etc.) corresponds with increased media reporting and public awareness.

Gross human rights violations in third countries is a recurrent issue for governments to deal with and therefore parliaments are required to oversee, if not contribute to, policy. Parliamentary oversight is common once the executive decided to deploy military forces, but is obstructed with access to classified information (Raunio and Wagner, 2017, p. 12; Lagassé and Saideman, 2017). Our analysis indicates that MPs scrutinize the government in this area of foreign policy already at an early stage of the conflict. However, in the case of Darfur, MPs appear to be led by public awareness, even if they were briefed on government actions at much earlier stages. In this way parliaments bear part of the responsibility for government policy that failed to address gross human rights violations effectively.

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Notes

[1] Norway could be another country to study. It was a major donor to Sudan and had strong involvement in the North-South peace talks like the UK. Its constitutional system resembles most that of the Netherlands. The US Congress is a different institutional context and has been covered by Ucinski *et al*, 2011; Hamilton, 2011a, b).

[2] See Palmer *et al* (2004) and Reitar and Tillman (2002) for alternative findings.

[3] Darfur resembles situations in Somalia and Bosnia (both 1992-1995), and Kosovo (1998-1999), where the basis for the deployment of armed forces were violations of human rights. The use of armed forces in Somalia, Bosnia, and Kosovo shows that the norm on the use of force for the protection of human rights has been legitimized under what is known as humanitarian intervention and the principle of the responsibility to protect. Although the genocide in Rwanda (1994), and later humanitarian crises, demonstrate that humanitarian intervention is not consistently applied and that it competes with the norm of sovereignty.

[4] The Dutch and British ministers for development visited Sudan in December 2003. Another Dutch ministerial visit to Sudan, including ministers in foreign affairs, development, and defence took place in January 2004 (Tweede Kamer, 2003–2004, 29 237 and 29 234, nr. 4, 9; nr. 7, 27 February 2004). The French Foreign Minister also visited Sudan during this time, but his trip went through Chad, while the French President may have discussed the situation with his Sudanese counterpart during an African-France summit in February.

[5] For example, in the House of Commons debate 4 May 2004 (Hansard, Col 417WH- 423WH) two MPs debated over Sudan with the Under-Secretary of State for Foreign and Commonwealth Affairs, but did not ask any question.

[6] We searched for Darfur and the name of the respective parliamentary chamber. A time filter was applied to retrieve news articles in France, the UK and Netherlands between March 2003 and April 2005. We obtained 258 news articles; 58 hits for the *Assemblée Nationale*, 85 for the *Tweede Kamer* and 115 for the House of Commons.

[7] The foreign minister gave evidence on Darfur for the first time on 16 June 2004, while Darfur had appeared on the plenary agenda on 29 April 2004.

[8] The Dutch government must respond in 3-weeks (6-weeks maximum) (Andeweg and Irwin, 2014, 173). There are no formal deadlines in the House of Commons.

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Table 1 Governments' Composition (2003-2005)

	France*	**United Kingdom**	**The Netherlands***
Government	UMP government	Labour government	Coalition: CDA, VVD and D66
Parliament (seats in lower chambers)	Presidential majority: 399 (out which 357 UMP) Opposition: United Left: Socialists 140, Communists 21, Greens 3, Radicals 7, Others 6	Labour Majority: 412 Opposition: Conservative 166 Others 27	Coalition: CDA 44, VVD 28, D66 6 Opposition: PvdA 42, Socialists 9, LPF 8, Greens 8, Christian Union 3, Others 2

Notes: *UMP: Liberal; CDA: Christian Democrats; VVD: Liberal; D66: Centrist; PvdA: Labour; LPF: Liberal/Populist

Table 2 Constitutional Foreign Policy Powers

	Tweede Kamer	**Assemblée Nationale**	**House of Commons**
International treaty ratification	Yes (Art. 91)	Yes (Art. 53)	No
War authorisation	Yes (Art. 96)	Yes (Art. 35)	No
Army deployment authorisation	No, but parliament must be informed (Art. 100)	No	No*

Sources: The Constitution of the Kingdom of the Netherlands (http://www.denederlandsegrondwet.nl/), Constitution of the Fifth French Republic, House of Commons (2010).

Notes: *The UK government can ask for approval in parliament for controversial cases (House of Commons 2010: 2). In the last two decades, the UK government has requested a vote or at least tabled a debate on the deployment of the army in several instances (ISIS in 2014, Syria in 2013, Libya in 2011, Iraq 2003, but not Mali in 2013). Following this practice, the government has in 2011 acknowledged that a convention calling for debate in parliament before the deployment of army forces has arisen. However, since then the government has not yet tabled any legislation formalising this convention.

Table 3 Parliamentary Activities (March 2003 to April 2005)

Activity	Assemblée Nationale	House of Commons	Tweede Kamer
Resolutions*	0	0	2
Committee hearings	4	0	15
Plenary debates**	3	7	0
Missions	0	1	0
Questions	51 (of which 46 written)	82 (of which 38 written)	In total 53 questions

Notes: *The use of resolution across our cases varies. In the *Tweede Kamer* any MP with the support of four other can table a resolution. These can be adopted at any time, but are not binding on the government (Andeweg and Irwin, 2014, 173). Members of the House of Commons can also table motions, but their proposals are rarely debated or adopted when government does not support it (Rogers and Walter, 2015, 94). In France, any member can propose the adoption of a resolution or any subject.

** Darfur was an agenda item.

Figure 1 Parliamentary activity between March 2003 and April 2005
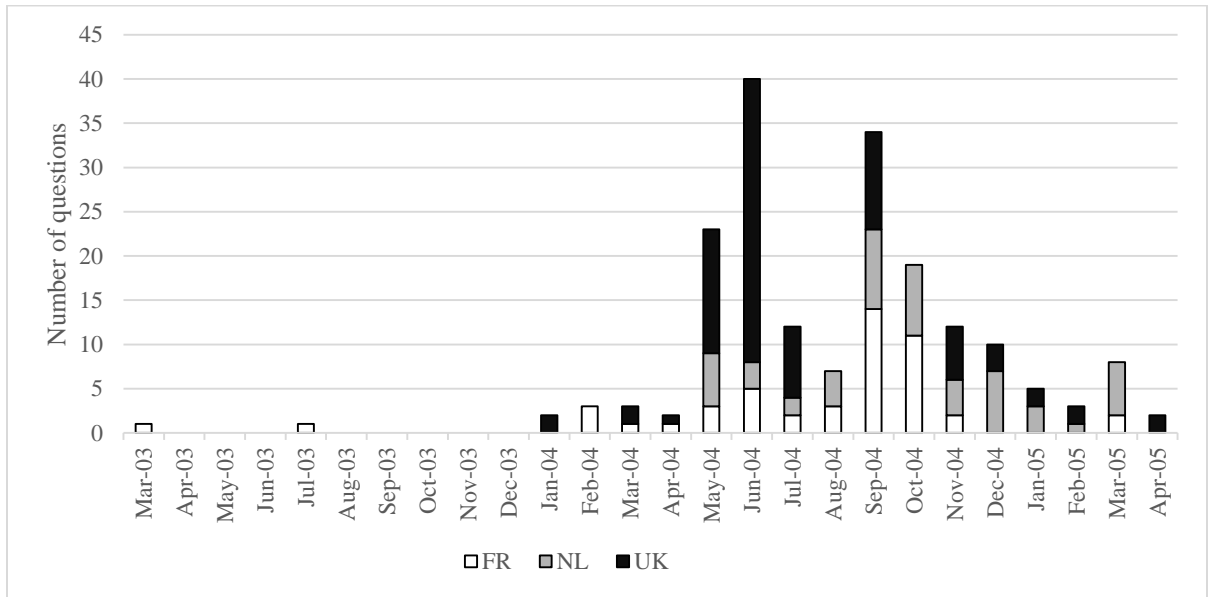
Source: Own data collected from the official reports of parliaments.