



Assembly
Item 4

A/129/4-R
9 October 2013

REPORT OF THE IPU COMMITTEE ON UNITED NATIONS AFFAIRS

Noted by the 129th IPU Assembly
(Geneva, 9 October 2013)

The Committee on United Nations Affairs met in Geneva on 7 and 9 October 2013, during the 129th IPU Assembly, and had a full and comprehensive agenda before it.

During its first session, on the morning of 7 October, the Committee discussed interaction between national parliaments and UN country teams. It also examined, specifically, the work conducted in national parliaments to follow up the Fourth United Nations Conference on the Least Developed Countries.

The discussion was informed by the Report of the latest mission of the Advisory Group of the Committee on United Nations Affairs to Côte d'Ivoire, in June 2013, which sought to assess cooperation between the Parliament and the United Nations in support of peacebuilding and reconciliation efforts there. Previous field missions to the United Republic of Tanzania (2008), Viet Nam (2009), Sierra Leone and Ghana (2011) and Albania and Montenegro (2012) had assessed progress in the implementation of One UN reform in those countries, in particular in terms of greater coherence and effectiveness of UN interventions.

Organized as an interactive debate with the head of the UN country team in Burkina Faso, the discussion started with the first subject, with the participants sharing their experience with the UN teams in their respective countries and making recommendations with a view to improving their cooperation with them.

Turning to the action of UN country teams in the field, the participants pointed out that the teams were not evenly distributed geographically. In some countries they had a significant presence; in others they were practically non-existent. This made it difficult for the national parliament in those countries to interact with them. To remedy that problem, the participants advocated that UN country teams be present in every country.

UN programmes and policies were designed for people, who were represented by parliamentarians. Parliamentarians were therefore well placed to know people's real needs and to define their priorities. By the same token, in line with their prerogatives as the people's elected representatives, parliamentarians could ensure respect for international commitments, notably those undertaken in the context of the United Nations. They played an equally decisive part in the implementation of the major resolutions and decisions produced by international meetings, such as the Millennium Development Goals and the post-2015 development agenda. Their contribution could take the form of action to arrange the legislative framework in such a way as to reflect the relevant provisions.

This crucial parliamentary contribution notwithstanding, the participants deplored the fact that members of parliament were neither informed nor consulted about the various activities undertaken by the United Nations in their countries. They also deplored the fact that UN programmes were often predefined and did not reflect the population's real needs and priorities.

The participants stressed that, in order to remedy that shortcoming, the United Nations had to inform parliamentarians of its activities by sending national parliaments annual reports and important decisions and resolutions. In the same vein, the participants recommended that the United Nations consult with parliamentarians earlier in the programme-development process. In that regard, the United Nations could prepare an annual summary of its objectives. Because they were in constant contact with their constituents, parliamentarians could convey their needs to the United Nations, which in turn could incorporate them into its programmes. In addition, the population's concerns had to be taken into account from the outset and reflected in the decisions taken by international bodies.

While it was true that UN country teams had to interact with national parliaments, parliaments, for their part, had to take steps to facilitate such interaction.

As a preliminary step, the participants suggested that the internal dialogue between parliament and government be improved, with a view to facilitating the flow of information between the two.

In addition, the participants pointed to the need for the national parliament, the executive branch and the United Nations to have a vision. Combining those visions would allow parliament to play its role and adopt a methodological approach to the preparation of an appropriate strategy for interaction with UN country teams.

The participants recommended that the strategy comprise the following components:

- the establishment within national parliaments of bodies tasked with coordinating the work of the committees dealing with UN affairs; to that end, they proposed that the IPU draw up an inventory of existing bodies of that kind so as to facilitate the exchange of best practices;
- the appointment of a parliamentary focal point entrusted with conveying UN decisions and resolutions;
- the elaboration of guidelines that could help structure interaction between national parliaments and UN country teams;
- the institutionalization of an annual reporting exercise by UN country teams to the national parliament of the country in which they were operating, which would include an overview of UN operations conducted in the country during the year and plans for the year ahead.

The Committee also took stock of the progress made in implementing the Istanbul Programme of Action, in a discussion in which the UN High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the Speaker of the National Assembly of the United Republic of Tanzania, the UNDP Resident Coordinator in Burkina Faso and the Permanent Observer of the African Union to the United Nations Office at Geneva all participated.

There were 49 least developed countries: roughly two thirds in Africa, one third in Asia, and one – Haiti – in the Caribbean. The population of approximately 900 million was

affected by low income, poor social development and high vulnerability; they were essentially at the bottom of the development ladder. The very ambitious goal of the Istanbul Programme of Action was to lift half of the least developed countries out of that category by 2021.

Going forward, parliaments would have a critical role to play in advancing the Istanbul Programme of Action through national development plans while at the same time continuing to provide input to the General Assembly Open Working Group on Sustainable Development Goals and the Secretary-General's High-Level Panel of Eminent Persons on the Post-2015 Development Agenda. While the process should focus on real action at the national level, it should also remain bidirectional, i.e. national input should be provided for global discussions and consultations, and vice versa.

The Committee underscored the need for parliaments to take the Istanbul Programme of Action into consideration when debating investment laws. It also highlighted the difficulties faced by donor countries, particularly in the current climate of financial crisis. It suggested that greater efficiency and transparency on the part of UN agencies would foster more trust among donors. The Committee proposed that a set of indicators be developed specifically for the Programme, as had been for the Millennium Development Goals. What was important now was what all stakeholders were willing to do both to implement the Programme and to take it to the next level and ensure that the least developed countries had every opportunity to graduate from that category.

At its second session, in the afternoon of 7 October, the Committee focused on important developments at the United Nations in the area of non-proliferation, in particular the adoption of the Arms Trade Treaty in April 2013 and efforts aimed at enhancing implementation of Security Council resolution 1540 on the non-proliferation of weapons of mass destruction to non-State actors, an issue of particular relevance in the context of the dramatic situation in the Syrian Arab Republic.

As the panellists highlighted during the session, the Arms Trade Treaty was a landmark agreement adopted by an overwhelming majority (154 States in favour, 3 against, 23 abstentions). It sought to regulate the international trade in conventional weapons and establish common standards to assess international weapons transfers. In practice, the Treaty aimed to prevent weapons transfers in situations where there was evidence that those would lead to grave violations of international human rights law or international humanitarian law, or would adversely affect sustainable development. In so doing, the Treaty aimed to provide a new multilateral framework for transparency and accountability in the arms trade.

Over 75 countries had signed the Treaty in the first month after it was opened for signature in early June (113 by 1 October), with the first ratification by Iceland on 2 July. The Treaty would come into force 90 days after it was ratified by the fiftieth signatory State, which it was believed would occur sometime in the latter part of 2014. All parliaments were called upon to play a pivotal role in both ratification and implementation, adapting national legislation as required, allocating resources and monitoring progress in meeting the commitments undertaken.

As highlighted during the debate, the potential impact of the Arms Trade Treaty was far-reaching: fostering peace and security by regulating arms flows to conflict regions, preventing human rights and international humanitarian law abusers from being supplied with arms, and keeping warlords, pirates and gangs from acquiring weapons. The Treaty would therefore significantly boost efforts to protect women and children in situations of armed

conflict or widespread armed violence. Monitoring mechanisms would also be put in place, accompanied by an annual reporting exercise. Several governments were already contributing to the UN Trust Facility Supporting Cooperation on Arms Regulation, a funding mechanism for assistance programmes to help develop new policy and legislation.

The participants discussed the good practices that could be implemented to reinforce the aim of the Treaty, create clear accountability mechanisms and ensure greater transparency of arms transfers. They referred to the establishment of national control processes, official administrative guidelines, national inspectorates and practical enforcement measures, including punitive measures for those that did not comply with regulations on the transfer of arms.

Despite its limitations – including the fact that it did not go as far as might have been hoped and that a small group of countries contested its adoption in the absence of unanimous support – the Treaty filled an obvious gap in the global conventional arms control system, and that was preferable by far to the current lack of regulation.

Many delegations expressed the hope that the new Arms Trade Treaty would help curb the immense suffering caused by what until now had been a poorly regulated arms trade. As noted by the President of the Senate of Kenya, the huge quantities available of unregulated guns had represented true weapons of mass destruction for the African continent, a situation that had to change. All States – and all parliaments – had a responsibility to make sure the new Arms Trade Treaty became an effective and workable tool for achieving that shared objective.

The Committee also welcomed the participation at its session of the Chair of the Security Council 1540 Committee and of prominent experts from the academic world and civil society, who presented Security Council resolution 1540 on the non-proliferation of weapons of mass destruction to non-State actors, the context in which the resolution had come about, its main provisions and implications, and the benefits of implementation.

First adopted in 2004 and then renewed in 2011, the resolution in essence obliged all UN member States to: (a) refrain from providing any form of support to non-State actors that attempted to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery; (b) adopt and enforce appropriate and effective laws to prohibit and prosecute such activities by non-State actors; and (c) establish domestic controls over materials, equipment and technology which could be used for the design, development, production or use of weapons of mass destruction and their means of delivery. Given the transnational nature of organized crime, action to counter the proliferation of such weapons was only as strong as its weakest link.

During the presentations and discussion, the Committee underscored the key role that legislators were called upon to play in ensuring that the necessary legal instruments were in place to help protect their citizens from terrorism with potentially devastating effects. Resolution 1540 had a strong legislative component, as it called for the establishment of national legal frameworks to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery. Several areas of national legislation were concerned, including criminal law, export-import laws, strategic goods and transfers control, regulatory systems for dual-use materials, and the requisite enforcement measures.

Under the resolution, each State could decide the type of implementing measures it required in accordance with its constitutional processes. Such measures could take various forms: the adoption of stand-alone laws on specific categories of weapons of mass destruction

(as was the case in countries such as Australia, Belgium, Canada, Cuba, the Russian Federation, Singapore and the United States in respect of the Biological Weapons Convention); the adoption of a “weapons of mass destruction law” (as was the case in Chile, India and South Africa); or the implementation of several laws and regulations (most European and civil law countries had adopted this approach, filling gaps in and amending the penal code, export control laws, safety/security provisions pertaining to weapons of mass destruction, etc.).

Irrespective of how resolution 1540 had come about and the objections of a limited number of States, ultimately it was the responsibility of all parliamentarians to do their utmost to enhance the security of their citizens. Implementing Security Council resolutions – which were legally binding on all States – was one sure way to do that. In addition, the implementation of resolution 1540 presented a number of other benefits: strengthening the capacity of States to investigate and prosecute any offences (including preparatory acts) associated with nuclear, chemical and biological weapons or related materials by non-State actors; strengthening the capacity of States to monitor and supervise any activities related to weapons of mass destruction; enhancing public health and safety and national security; strengthening border control; sending a strong signal to potential investors that they were a safe and responsible place to do business; better equipping States to meet their other obligations related to weapons of mass destruction and comply effectively with international reporting requirements.

The point was that, even though resolution 1540 was a non-proliferation and counter-terrorism measure, if properly implemented it could strengthen the rule of law and foster development. The Committee therefore called on all parliaments to pay careful attention to this very important resolution and to do their utmost to ensure its effective implementation. The Committee President and the Speaker of the East African Legislative Assembly also recommended that the IPU and the UN Security Council continue to cooperate on raising awareness of the resolution at regional level, including by convening regional events and providing support for the establishment of regional action plans.

At its last session, on the morning of 9 October, the Committee focused on promoting international commitments and defending the rights of vulnerable groups, in particular indigenous peoples and persons with disabilities.

Despite the adoption in 2007 of the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples remained among the most vulnerable members of society. Their level of participation and representation in decision-making, including in parliaments, remained extremely low, even though parliaments had to be truly representative of all sectors of society in order to carry out their constitutional mandate of legislating and holding government to account.

Since 2007, the IPU had conducted extensive research on the presence of indigenous representatives in parliament; it had convened an international parliamentary conference in 2010 to debate those issues. The resulting Chiapas Declaration contained key recommendations for ensuring effective participation by indigenous peoples in politics.

The session underscored that it was parliament’s duty to recognize the specific identity and culture of indigenous peoples and enhance understanding of the particular problems they faced, to raise awareness in society and thereby combat prejudice, and to take special measures to promote and protect indigenous people’s rights. Moreover, parliaments should make sure that the right to free, prior and informed consent was observed at all stages leading

up to the adoption of legislative and administrative measures potentially affecting indigenous peoples.

The World Conference on Indigenous Peoples was scheduled to take place at UN headquarters in New York in September 2014, and it was important to ensure that the deliberations incorporated a parliamentary perspective. For that purpose, the IPU would continue to encourage parliaments to be more inclusive both in terms of their composition and of their working modalities, and would convene a parliamentary meeting in the Plurinational State of Bolivia in April 2014 to enable them to share their experiences. It was convinced that those developments could inspire other countries that had yet to take steps to ensure that the views of indigenous peoples were taken into account when developing public policies.

Similarly, protecting and promoting the rights of persons with disabilities warranted the particular attention of parliamentarians around the world. According to the World Health Organization-World Bank 2011 World Report on Disability, there were about 1 billion persons with disabilities worldwide. Their rights were enshrined in the UN Convention on the Rights of Persons with Disabilities, which had been ratified by over 130 States and took a human rights-based approach to disability. Article 29 guaranteed the right to participate in political and public life of all persons with disabilities.

In order to promote and protect the rights of persons with disabilities, the IPU had developed a handbook for parliamentarians in 2007, recommending the Convention's ratification and its translation into national laws and policies. In keeping with its fundamental principle of "full democratic and political participation", in 2008 the IPU had adopted the Policy to ensure the participation of persons with disabilities in the work of the Inter-Parliamentary Union.

During the discussion, participating legislators exchanged views with the representatives of several UN agencies and non-governmental organizations (the International Disability Alliance and the World Future Council) and further explored the role of parliamentarians and parliaments to promote the rights of persons with disabilities, in particular the right to political participation. The participants shared their experiences, spoke of initiatives being taken in their countries, and highlighted good practices, such as:

- rendering information about election processes, candidates and their political platforms accessible in plain language (so that persons with intellectual disabilities could make informed voting choices);
- reserving seats in parliament for disabled candidates;
- providing the right to vote in secret with assistance from someone chosen by the disabled person;
- securing budget allocations for the political participation of persons with disabilities;
- establishing parliamentary committees on the rights of persons with disabilities and ensuring disabled persons had access to elections, both as voters and as candidates.

The Committee also formulated a number of recommendations:

- The universal ratification of the Convention of the Rights of Persons with Disabilities and its Optional Protocol;
- The abrogation of constitutional and legal provisions denying persons with disabilities the right to vote and to stand for election;
- The systematic consultation of disabled persons and their representative organizations in all legislative processes;
- The allocation of budgets to pursue programmes for the promotion of disability rights, including through the provision of reasonable accommodation;
- Parliamentary oversight of the Convention's implementation and of disability right programmes;
- The adoption of measures that would allow persons with disabilities to stand for election and participate in the decision-making process ("nothing about us without us").

The Committee also endorsed the Call to Act (see Annex) submitted by a group of parliamentarians, which identified a series of measures that could and should be adopted by the IPU and by its Member Parliaments in order to ensure that persons with disabilities were better able to fulfil their potential in political and public life. This, in turn, would go a long way towards establishing truly accessible and inclusive parliaments.

At the conclusion of its deliberations, the Committee requested that its Report be circulated widely among all national parliaments and within the United Nations system.

* * *

CALL TO ACT

ENSURING THE PARTICIPATION OF PERSONS WITH DISABILITIES IN POLITICAL AND PUBLIC LIFE

The first ever World Report on Disability, produced jointly by the World Health Organization and the World Bank in 2011, suggests that more than one billion people in the world today are living with a disability. Their rights are enshrined in the UN Convention on the Rights of Persons with Disabilities, which has been ratified by over 130 States to date and takes a human rights-based approach to disability. Article 29 of the Convention guarantees the right to participation in political and public life of all persons with disabilities.

With a view to promoting and protecting the rights of persons with disabilities, the IPU published a handbook for parliamentarians in 2007 in which it recommended the ratification of the Convention and its translation into national laws and policies. On the basis of its fundamental principle of "full democratic and political participation", in 2008 the IPU adopted the Policy to ensure the participation of persons with disabilities in the work of the Inter-Parliamentary Union, according to which the IPU will:

1. Implement practical measures to create inclusive, barrier-free environments to enable the participation of persons with disabilities in its work;
2. Encourage Member Parliaments to take action so that persons with disabilities can achieve the transition from exclusion to equality; and
3. Seek a representative Secretariat that is open to persons with disabilities, where opportunities in work are based on merit and all employees feel included and valued.

With the present statement, we renew the IPU's commitment to the participation of persons with disabilities in political and public life and to make sure that this principle does not remain a dead letter but is translated into action. Like women and indigenous peoples, people with disabilities should speak with their own voice and take their place in parliament: Nothing about us without us!

We therefore encourage the IPU to:

1. Designate one or more contact points in the IPU Secretariat who can act as reference persons for all parliamentarians concerning the rights of persons with disabilities;
2. Recommend to all Member Parliaments and Associate Members that they harmonize their legislation in accordance with the Convention on the Rights of Persons with Disabilities, in particular Article 29, and ratify the Convention and with its Optional Protocol (should they not yet have done so);
3. Draw up a questionnaire with the aim of collecting information on the participation of persons with disabilities in politics and the legislative, physical, communication, informational, technological or other barriers they face, to be answered by all Member Parliaments and Associate Members;
4. Publish the data collected in a section of the IPU website dedicated to parliamentary action on the rights of persons with disabilities, which is to be conceived and programmed in such a way that it serves as a virtual meeting place and as a space where IPU's disability work, initiatives and documentation about good practices and experiences can be consulted and downloaded;
5. Undertake all necessary steps to establish and institutionalize a working group that is composed of parliamentarians engaged in the rights of persons with disabilities and includes parliamentarians with disabilities, that meets at least once a year and that has its own resources;
6. Amend the IPU Statutes to ensure that parliamentary delegations include parliamentarians with disabilities;
7. Pledge to include the rights of persons with disabilities as an item on the IPU's yearly agenda; and
8. Report annually about progress on the aforementioned points to all Members.

We encourage the IPU's Member Parliaments to:

1. Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol (should they not yet have done so);
2. Make sure that parliamentary bodies, processes and programmes have internalized parliament's oversight role with regard to the Convention's implementation across all committee work, constituency work, etc.;
3. Establish parliamentary disability rights committees or ensure that disability rights as an issue are integrated into parliamentary human rights committees;
4. Ensure that all new legislation is coherent with the Convention on the Rights of Persons with Disabilities and that legislation that is not in line with the Convention is duly amended or repealed;
5. Adopt disability-friendly budgeting;
6. Adopt positive concrete measures to become disability-inclusive parliaments, including by rendering their environment, information, communications and technologies accessible and providing reasonable accommodation so that persons with disabilities can inter alia participate in the work of parliaments, take part in inclusive and accessible elections as both voters and candidates, be consulted, follow parliamentary debates and hearings, and be employed on an equal basis with others;
7. Enhance cooperation between parliaments, government coordination mechanisms and focal points on disability, national human rights institutions, independent monitoring frameworks and civil society organizations, in particular organizations representing persons with disabilities, as set out in Articles 4(3) and 33 of the Convention on the Rights of Persons with Disabilities;
8. Strengthen the involvement of parliaments in the work of the UN human rights monitoring mechanisms, including the Committee on the Rights of Persons with Disabilities and other treaty bodies, the Human Rights Council and the Universal Periodic Review reporting procedure;
9. Forward the present recommendations to their members' respective political parties, to ensure that they enable persons with disabilities to participate in and be supported by the party, including by making available campaign resources and placing them higher on electoral lists, that they include disability-specific activities in their plans for and reports on constituency work, that they add disability issues to their oversight list and that they have disability-specific indicators when they plan individual or collective oversight visits;
10. Report annually on progress on the aforementioned points to the IPU.

Giving effect to the human rights of persons with disabilities means enabling them to participate on an equal basis with others, at all levels.