

Report of the Standing Committee on United Nations Affairs

*Noted by the 133rd IPU Assembly
(Geneva, 21 October 2015)*

The Vice President of the Committee, Mr. M. El Hassan Al Amin (Sudan) opened the session welcoming participants and inviting them to adopt the decision of the Bureau, at its Hanoi session (132nd Assembly), to elect Mr. A. Avsan (Sweden) as President of the Committee. The Vice President then invited Mr. Avsan to take over the chairmanship of the meeting.

Mr. A. Avsan continued with the announcement that three new members had been nominated by their geopolitical groups to the Bureau of the Committee: Mr. I. Dodon (Republic of Moldova), Ms. A. Bimendina (Kazakhstan), and Ms. A. Trettergstuen (Norway). With no objection from the floor the President declared these appointments adopted.

After announcing a number of UN meetings that will be high on the agenda next year, the President drew attention to a Handbook on the United Nations published by the government of New Zealand. Ms. A. King from the parliament of New Zealand formally introduced the handbook as a practical manual to United Nations bodies and processes. She noted the first edition of the handbook was dated 1961.

The President announced the two sessions on the programme, which he moderated in interview style.

Session 1: **Review of the UN Peace-building Commission on its 10th anniversary**

Dr. O. Jütersonke, Head of Research, Centre on Conflict, Development and Peacebuilding (CCDP), Graduate Institute, Geneva;

Hon. A. Correia, Deputy Speaker of the National Assembly of Guinea-Bissau;

Mr. S. Weber, Director General, Interpeace;

Ambassador Y. Stevens, Permanent Representative of Sierra Leone to the United Nations, Geneva

The PBC was instituted 10 years ago to help consolidate the peace in post-conflict countries. A resolution of the General Assembly subsequently invited the PBC to work closely with the national parliaments of the countries involved. Taking the cue from a review of an independent expert commission of the United Nations, issued in June, the session considered how effective the PBC has been in stabilizing post-conflict countries. The discussion that ensued confirmed some of the experts' conclusion that peace building needs to be better integrated throughout the UN system.

A key point that emerged centred on the need to re-define the UN role in peace building. Peace building is not a new mission for the UN and draws its origin in the Charter. The novelty of the PBC is that it was created specifically to manage the sensitive period between the immediate end of conflict and the moment when a post-conflict country is able to get back on its feet to manage its own development.

Expectations of the PBC and of the UN's peace building mandate are often too high. In part, the UN itself is responsible for raising expectations when it tries to lead the peace building process instead of limiting itself to enabling actors on the ground to find their own solutions. In the final analyses, parliamentarians and other decision-makers in each country are responsible for creating the conditions for peace.

There was consensus amongst discussants that the UN and all peace-seeking actors should invest more in conflict prevention. On the other hand, it was acknowledged that it is not always possible to determine when a country is at risk of conflict and whether a conflict is imminent. It is a lot easier to talk about prevention in theoretical terms than to practice it in concrete scenarios. In a sense, the PBC could be considered a conflict prevention tool whenever it manages to prevent a post-conflict country from falling back into conflict.

Addressing the root causes of conflict should be the main objective of peace building. When this fails then conflict is likely to return, as the case of Burundi illustrates. Most conflicts are rooted in some form or other of social, economic, or political exclusion. These conditions in turn undermine the trust of vulnerable groups in the institutions of government.

The PBC and indeed the broader peace building architecture of the UN (which consists of the Commission, a Fund, and an Office in charge of operations) is often conflated with the peace keeping work of the UN. It was important to distinguish between the two. Similarly, the PBC cannot be seen as an enforcer of the relatively new principle of Responsibility to Protect (R2P). This principle only comes into play when governments commit atrocities against some of their own citizens or refuse to protect people from violent persecution. The PBC can only operate with the consent of the concerned governments.

As illustrated in Guinea Bissau, a country where the PBC is active, parliaments can take the lead in the peace building effort by constituting a reconciliation commission. Such a commission has been in place in Guinea Bissau for some time and has helped different groups articulate their grievances. The IPU, for its part, should invest more in strengthening the capacities of parliaments in post-conflict countries to take on a stronger peace building role.

Session 2: The role of the International Court of Justice (ICJ) in the resolution of international disputes.

Professor M. Kohen, Professor of international law, Graduate Institute of International and Development Studies, Geneva.

Ambassador J. Lindenmann, Deputy Director of the Directorate of International Law, Department of Foreign Affairs, Switzerland.

The ICJ is one of the six principal organs of the United Nations. The Court was designed to facilitate the peaceful resolutions of disputes through recourse to international law. Despite a strong record (about 144 cases adjudicated in the last 70 years), many countries who are parties to the ICJ do not recognize the jurisdiction of the Court as compulsory. This session looked closely at the consequences of this in terms of the Court's overall effectiveness as a conflict prevention tool. In the process, a number of misconceptions and misunderstandings about the Court were clarified.

Contrary to what some people may believe, the Court is not subject to political influence by the Security Council or other bodies of the United Nations. The custom that five of the fifteen justices must come from the permanent members of the Security Council has not resulted in undue political influence on the Court. Court decisions cannot be vetoed by the Security Council.

Overall, the Court is a force for good. It helps countries resolve a dispute where political negotiation has deadlocked. The Court is paid for entirely through UN assessed contributions. All states are equally sovereign before the Court regardless of their wealth or power. While it is true that, technically speaking, Court judgments cannot be enforced, virtually every case in which parties agreed to the jurisdiction of the Court have complied with the Court's decision.

Bringing a case before the Court is an act of peace. It signals to the international community that the parties are respectful of international law. In fact, it was noted, the UN Charter makes it clear that States have an obligation to seek a peaceful settlement to their disputes.

The Court's formal decisions should not be confused with its advisory opinions. These come from instances when countries ask the Court to clarify a point of international law in the course of a political negotiation. By definition, advisory opinions are not binding and do not entail an obligation to act. They always matter however because they help extend the field of international law.