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# 135<sup>th</sup> IPU ASSEMBLY AND RELATED MEETINGS

Geneva, 23 – 27.10.2016

## Report of the Standing Committee on Peace and International Security

*Noted by the 135<sup>th</sup> IPU Assembly  
(Geneva, 27 October 2016)*

The Standing Committee on Peace and International Security held two sittings on 24 and 26 October 2016 with its President, Ms. L. Rojas (Mexico), in the chair.

Procedural items and any other business, including the announcement of events relevant to the mandate of the committee were dealt with at the beginning of the session. Elections were held and the five vacant posts were filled. Mr. R. Ossele Ndong (Gabon), Mr. A.L.S. Ssebagala (Uganda) and Ms. G. Katuta (Zambia) were elected for the African Group. Ms. S. Abid (Pakistan) and Mr. A. Suwanmongkol (Thailand) were elected for the Asia-Pacific Group.

During the 24 October sitting, the Committee held an expert hearing on *The role of parliament in preventing outside interference in the internal affairs of sovereign States*, the topic of a resolution that is expected to be adopted by the 136<sup>th</sup> IPU Assembly in Dhaka (Bangladesh). The Committee heard the key expert followed by the co-Rapporteurs.

The hearing opened with a presentation from the expert, Mr. F. Zarbiyev, Professor of International Law at the Graduate Institute of International and Development Studies in Geneva. His statement clarified the principle of non-interference, which is often invoked in contexts where it is not clear if it is a legal principle or a general idea of how States should behave. In addition, peculiarly, its very existence is sometimes brought into question although many legal instruments refer to it. Mr. Zarbiyev cautioned that the principle should not be limited to activities within the borders of States. Non-interference relates to both internal and external affairs. Intervention is to be understood when a State interferes in the internal affairs of another State on matters that can be chosen freely, such as its political organization and when it uses methods of coercion to do so. Mr. Zarbiyev concluded his presentation with an overview of the historical evolution of the place of the principle of non-interference in a globalized world in the context of recent developments. He mentioned that the concept of humanitarian intervention is not an unlawful intervention if it meets certain characteristics, i.e. being non-discriminatory and aiming to alleviate human suffering. With regard to the concept of the responsibility to protect (R2P), he stated that it does not contradict the principle of non-intervention. The 2005 World Summit document clearly mentions that the responsibility to protect the population lies with each individual State. However, intervention is not prohibited if the government brutalizes its people or commits massive human rights violations.

The co-Rapporteurs, Ms. S. Koutra-Koukouma (Cyprus) and Mr. K. Kosachev (Russian Federation), took the floor to explain why they had decided to study this subject item and to welcome comments from their peers. They referred to the basic principle of non-intervention and to the fact that everyone is in favour of helping people who are victims of crimes. They also stated that there is a red line regarding the legality to intervene to change a regime.

Further to the experts' and Rapporteurs' interventions, a total of 34 speakers took the floor during the discussion. The majority of interventions referred to the need to keep non-intervention in State affairs as the main principle and that intervention should be decided on a case-by-case basis. The challenges in interpreting non-interference and related concepts were also addressed. Speakers raised the issue of the growing cases of external intervention and the fact that it undermines peace and international security, giving the example of the Middle East, which is in chaos. The protection of human rights and non-intervention were not incompatible but using human rights as an excuse to launch an intervention was unacceptable. Some participants referred to humanitarian intervention and R2P as modern expressions of imperialism and that interventions in their names had brought chaos, and led some countries to fall apart due to conflicting interests. Several participants stated that conflict prevention, reconstruction and early recovery should be the preferred route and military intervention should be a last resort. They also called for good governance as a means to avoid intervention. Lastly, many considered that reform of the UN Security Council was necessary.

Mr. Zarbiyev concluded the meeting by addressing the tension between sovereignty and human rights. Human rights were an international issue and human rights concerns did not qualify as a prohibited intervention since States were entitled to take measures against another State that was violating human rights. However, that did not mean that human rights should be used as a pretext for regime change.

On 26 October, the Committee held its second and last sitting and examined two items through back-to-back panels.

The first panel dealt with the promotion of democratic accountability of the private security sector. During the Lusaka Assembly, the topic had been presented as a potential subject item for the upcoming resolution. Although it had been defeated with the issue of outside interference being the preferred option for the next resolution, the Bureau of the Committee had proposed to keep an eye on the issue and to organize a panel discussion during this Assembly. Mr. F. Lombardi, a Swiss delegate, was the promotor of the subject item and agreed to be the moderator of this segment. MPs discussed the fact that the security landscape was changing and new actors were emerging, such as private military and security companies (PMSCs); whose range of services were becoming increasingly diversified while their nature and role often remained unclear. Two experts took the floor: Ms. H. Obregón Gieseken, Legal Adviser, International Committee of the Red Cross (ICRC) and Ms. A.M. Burdzy, Project Officer, Public-Private Partnerships Division, Geneva Centre for the Democratic Control of Armed Forces (DCAF). They referred to the Montreux document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict<sup>1</sup> (September 2008). This document informs actors of obligations regarding private military and security companies in war zones. It lists some 70 recommendations for good State practices towards PMSCs and many of them can also be applied during peace time. The panellists also presented the legislative guidance tool created by DCAF<sup>2</sup>. This tool was a response to growing challenges in national regulation of the private security industry. It is aimed to provide guidance to parliamentarians, lawmakers, members of oversight committees and other actors in national legislative processes who were in the process of updating or developing national regulation related to PMSCs.

Following the experts' interventions, a total of 11 speakers took the floor during the discussion. Participants discussed possible measures that parliaments could take to regulate and oversee the activities of these companies. The majority of the interventions referred to the growing number of PMSCs around the world and the challenges they created to the traditional role of government in maintaining peace and security. Many expressed concerns that PMSCs seriously endangered international peace and security whereas others were of the view that privatization of security was an irreversible trend. Speakers mentioned that proper international and domestic legislative framework was needed to support implementation of international law on PMSCs. Parliaments that had already legislated on the issue encouraged their peers to do the same and to cooperate. Participants also raised the question of the legitimacy of PMSCs' actions and the need to follow the international code of conduct for private service providers to frame the privatization of security trend.

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<sup>1</sup> [https://www.icrc.org/eng/assets/files/other/icrc\\_002\\_0996.pdf](https://www.icrc.org/eng/assets/files/other/icrc_002_0996.pdf)

<sup>2</sup> <http://www.dcaf.ch/Publications/Legislative-Guidance-Tool-for-States-to-Regulate-Private-Military-and-Security-Companies>

The two panellists concluded by recalling the Montreux document and its related forums which could assist MPs in legislating on PMSCs issues. They also mentioned that their respective organizations could provide technical assistance if needed.

During the second panel, Committee members heard three presentations: from Mr. D. Plesch, Director of the Centre for International Studies and Diplomacy, SOAS University, Mr. I. Sene, Member of the 1540 Committee established pursuant to UN Security Council Resolution 1540 and Ms. D. Pascal Allende, Second Vice-President of the Chamber of Deputies of Chile.

Mr. Plesch presented the Strategic Concept for the Removal of Arms and Proliferation (SCRAP) proposal, which provided a holistic approach to global disarmament through the adoption of an international legally binding agreement for complete and general disarmament. He highlighted the need for MPs to promote implementation of existing treaties and mechanisms such as the NPT and UN Security Council resolution 1540. He also stated that disarmament should not be treated as business as usual since this would lead to World War III. Mr. Sene called for increased international engagement, especially on non-proliferation and nuclear disarmament. He urged parliamentarians to assist in the implementation of resolution 1540 and recalled that even if States did not own weapons of mass destruction (WMDs), they might have the material to build them and that these could fall into the hands of non-state actors. He also briefed Committee members on the comprehensive review of the resolution 1540 and referred to the IPU regional seminar held in Abidjan as a good example to engage MPs in the implementation of the resolution. Ms. Pascal Allende referred to the current new arms race and its attendant concerns. She also mentioned that nuclear weapons were a global threat to peace and international security and that complete nuclear disarmament should be the ultimate aim.

The ensuing debate involved 14 speakers, including one observer to the IPU.

Interventions referred mainly to disarmament as a major issue of international security and called for international process to be established to ensure the elimination of certain weapons globally. Many speakers made the point that some States who claimed to be reducing their arsenal were in reality modernizing them by acquiring new and improved weapons. The need to budget for peace and not for war in order to meet Agenda 2030 was stressed. Small arms and light weapons were considered much more murderous than the weapons of mass destruction. International cooperation was needed to achieve disarmament.

The Bureau of the Standing Committee met on 27 October 2016. Ten out of 18 members were present.

The President of the Committee proposed that it establish its work programme around the areas on its agenda and decide how to address them, i.e. through panels, reports, workshops or field visits. Two members proposed adding non-interference to the listed topics.

The Bureau discussed its working methods. Some members called for a manual of Committee bureau members to be drafted, including the exact mandate of the committee. Members also stated that they would like to hold additional Bureau meetings between Assemblies to discuss at length emerging issues pertaining to the peace and security agenda.

Members agreed that the President would communicate with them shortly after the Assembly with a proposal for a two-year work-plan which they will be invited to comment on and validate.

Lastly, the Bureau was briefed on the concept of sustaining peace by Mr. O. Fernandez-Taranco, UN Assistant Secretary-General for Peacebuilding Support and head of the Peacebuilding Support Office (PBSO).