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The role of the United Nations in promoting a new global human order

The rule of law at the national and international levels

International drug control

United Nations reform: measures and proposals

Note verbale dated 5 February 2015 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to forward herewith, in its capacity as Chair of the Governing Council of the Inter-Parliamentary Union, the text (in English and French) of the *report of the Standing Committee on United Nations Affairs*, adopted by the 131st Assembly of the Inter-Parliamentary Union, held in Geneva in October 2014, to the General Assembly (see annex).

The Permanent Mission of the People's Republic of Bangladesh to the United Nations kindly requests the Office of the Secretary-General to circulate the present note verbale and its annex as documents of the sixty-ninth session of the General Assembly under agenda items 15, 82,106 and 121.

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Annex to the note verbale dated 5 February 2015 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

[Original: English and French]

Report of the Standing Committee on United Nations Affairs

Noted by the 131st Assembly of the Inter-Parliamentary Union

(Geneva, 16 October 2014)

The Committee held three panel discussions over two days, on 14 and 15 October. Ms. D. T. Avgerinopoulou (Greece) introduced all the discussions in her capacity of President.

The first discussion took the form of an interactive debate with the United Nations Independent Expert on the promotion of a democratic and equitable international order, Mr. A. de Zayas. Mr. de Zayas drew from his reports to the United Nations Human Rights Council to argue for a deeper, more participatory form of democracy at both national and international level. He said that representative democracy had its inherent limitations: it only worked if parliamentarians were held accountable to their constituents. In too many countries, however, politicians fell prey to the influence of lobbies and other organized interests that were at variance with the popular will.

There were numerous illustrations of this, such as military and defence budgets that were not fully disclosed to the people and adopted without debate in parliament on the need to reduce military expenditure in order to invest more in education, health care and other public goods. Global military spending could easily be cut by, say, 10 per cent (of the current 1.3 trillion United States dollars annually) if all countries agreed to do the same, which would leave no one at a disadvantage.

Mr. de Zayas suggested that measures to strengthen representative democracy should include providing more real choices when it came to candidates running for election and weakening the grip of party leaders on elected representatives. Referendums should be used more frequently to allow people to have a direct say in government.

The same democratic deficit found in many countries, both developed and developing, permeated the institutions of global governance, from the United Nations to the World Bank, the International Monetary Fund, and the World Trade Organization. Those institutions should all be regrouped under the United Nations umbrella, and the United Nations itself needed to be made more accountable to the people. According to Mr. de Zayas, the constitution of a world parliamentary assembly of elected representatives would contribute to making the United Nations more responsive to the real concerns of people around the world. While that idea was accepted by one delegation in the room, it was rejected by another. The Committee President reminded participants of the core mandate of the IPU Standing Committee on United Nations Affairs, i.e. to hold hearings with United Nations officials, shape parliamentary input to major United Nations processes, and examine United Nations operations with a view to enhancing accountability.

There was a clear sense in the ensuing discussion with members that Mr. de Zayas's perspective resonated in several regards. Questions were raised about the democratic deficit at the global level, which included a Security Council that did not fairly represent the global community, the fact that developing countries were not members of key international bodies, and the growing influence of unaccountable transnational corporations at the United Nations and other global institutions. None of that was likely to change unless parliaments acquired stronger oversight capacities and the political will to hold governments to account.

The Committee's second panel discussion dealt with the question of corporate influence on United Nations decision-making. The panel consisted of Ms. P. Bayr (Austria), Mr. J. Kakonge, Permanent Representative of Kenya to the United Nations Office at Geneva, and Mr. J. Martens, Director of the Global Policy Forum. Mr. A. Motter, of the IPU Secretariat, moderated.

The overall conclusion of the discussion was that parliaments ought to pay closer attention to the growing relationship between the United Nations and corporations. While there might be some scope for the United Nations to partner with the corporate sector either at the global level or within countries, it was imperative that all partnership agreements be subject to strict mandatory guidelines and to regular reviews. United Nations agencies and programmes should adopt a common standard for dealing with the corporate sector. Corporate funding of United Nations offices and field operations needed to be made more transparent through mandatory disclosure and conflict-of-interest rules.

The United Nations lacked a proper vetting system to make sure that the corporate entities it worked with upheld the highest standards, which must go well beyond the 10 core principles of the Global Compact. It was contradictory for corporations that did business with the United Nations to follow those core principles at the same time as they undermined development goals by looking for tax havens or advocated policies (e.g. oil and gas subsidies) that affected climate change and development efforts. Good corporate citizenship should be defined in terms of respect for tax laws and government regulations, human rights and public goods.

A more fundamental problem was the United Nations growing reliance on the corporate sector to help establish global norms by including corporations on key advisory boards and other such decision-making bodies. Concomitant to that was the rising number of multi-stakeholder forums at the United Nations in which partners were invited to discussions with governments as if they were all on the same footing. Governments needed to better differentiate between partners and clarify that, in the final analysis, they were accountable to the people via their elected representatives. The institutional relationship between the United Nations and the IPU as a parliamentary organization could help strengthen that essential link between global and national levels of governance. By all accounts, the United Nations invested more resources in the relationship with the corporate sector than in that with parliaments. In an ideal scenario, the reverse should be the case.

The recent exponential growth in the number of corporate partnerships was closely linked to government cuts to the United Nations budget. The United Nations was being starved for resources, prompting it to reach out to the corporate sector for support for development-related initiatives. Corporations, for their part, tended to regard this as a good exercise in public relations and a way to ensure that the global regulatory framework remained fundamentally skewed in their favour. Corporations

had long preferred a regime based on the principle of voluntary compliance with respect to human rights and other standards. It was also possible that some corporate partners wished to ensure that a market-based approach remained the preferred policy option when it came to guaranteeing fundamental rights such as access to water or food.

Yet, in what might amount to an important shift on the part of the United Nations, a 2014 Human Rights Council resolution called for a human rights instrument that was legally binding on transnational corporations and other business enterprises. If properly implemented, the resolution would also help fill a gap in many national jurisdictions where legislation on corporate behaviour was lax. Ultimately, it was at the national level that action was needed to strengthen the legal frameworks for good corporate behaviour at all levels and in all jurisdictions. Here again, parliaments had a central role to play.

The Committee's third, interactive, panel discussion considered the process leading up to the 2016 United Nations General Assembly Special Session that would review progress on the goals set in the 2009 Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem.

The discussion was co-moderated by Mr. A. Avsan (Sweden) and Ms. L. Rojas (Mexico). The panel comprised Mr. L. de Alba, Mexico's ambassador to the United Nations Office on Drugs and Crime (UNODC), Mr. J. L. Lemahieu, UNODC Director, Policy Analysis and Public Affairs, and journalist Mr. E. de la Reguera, and examined the tension between the law enforcement versus the prevention and rehabilitation approach.

The moderators pointed out that failure to discuss the issue nationally and internationally meant that serious problems — deaths in developed and developing countries; incoherent regional policies that had an unintended impact on neighbouring States; collateral damage on woman and children in poor communities; flourishing money-laundering, corruption and organized crime — were not being addressed. Criminal enterprises were described as akin to multinationals in their scope and impact. Inaction was leading to greater inequality within and between nations.

In the ensuing discussion, the participants pointed out that, while some nations were discussing legalization to reduce harm and generate tax revenues, others bemoaned the lack of debate and understanding in parliaments, among the general public and in the media. They referred to the need for access to proper basic health care, pharmaceutical products, treatment and pain mitigation, and suggested that new policies had to be predicated on individual human rights and be solidly grounded in the post-2015 development agenda. Account had to be taken of economic and social issues, and regional approaches adopted.

International conventions on drugs did not allow national frameworks the flexibility to tackle drug issues in the light of the local context, history and traditions. The capacity of public health systems to deal with opiates and pain management had to be enhanced.

The participants expressed concern for transit countries that dealt with the consequences of inaction in consuming and producing countries, even though the distinction between the two was becoming less relevant in the wake of new

developments, such as synthetic drugs that could be produced anywhere. They expressed a desire for further input, a flexible framework and the establishment of a coalition of the willing to work towards coherent strategies and implementation. The United Nations should involve more of its agencies, such as the World Health Organization, in tackling the problem, and each country should adopt a comprehensive approach, reducing consumption through education, treatment, supply restrictions, civil society awareness, enhanced security to combat corruption and a better legal framework. The impact of national policies at the grassroots level needed to be considered.

Mr. Lemahieu encouraged parliamentarians to post comments on the website of the United Nations General Assembly Special Session (www.ungass2016.org) and suggested that the IPU report on the panel discussion on "The legalization of drugs: Can it help curb organized crime?", held at the 128th IPU Assembly (Quito, March 2013), should also be posted there. Mr. de Alba noted that the current panel discussion was the first global meeting he was aware of that included the views of parliamentarians from a cross-section of Member States. He expressed frustration at the growing tendency to negotiate international agreements by consensus through the United Nations process, as the result was agreements aimed at the lowest common denominator.

It was recommended that the IPU provide a forum for further engagement leading up to the United Nations General Assembly Special Session. Parliamentarians wanted to be involved and explicitly referenced in the relevant United Nations documents.