



***SECTION***

# **INTERNATIONAL SECURITY: DIALOGUE OF LEGISLATORS FOR PEACE AND STABILITY**



## SECTION I.

# INTERNATIONAL SECURITY: DIALOGUE OF LEGISLATORS FOR PEACE AND STABILITY

### The Role of Parliamentary Diplomacy in Reducing Conflict Potential and Strengthening International Security

Frequency and magnitude of armed conflicts have considerably increased worldwide over the past decade<sup>1</sup>. World military expenditure in 2018 grew up to \$1.8 trillion that is 2.1 percent of the global GDP, reaching the all-time high since 1988. Fifty-three percent (\$0.9 trillion) of world military expenditure are owed by NATO countries.

The high level of military expenditure persists in the Middle East that is home to six of ten countries with the largest shares of military expenditure in GDP. The share of Asia and Oceania countries in world military expenditure has grown from 9 percent to 28 percent over 30 years<sup>2</sup>.

The dividing lines in Europe continue to strengthen. NATO's military exercises close to Russian borders have surpassed the rates of Cold War era in intensity and scope.

A new nuclear missile arms race unfolds worldwide. The INF treaty break-up and the START treaty expiration in 2021 jeopardize nuclear stability.

In the context of building up conflict potential worldwide, **parliamentary diplomacy** is destined to contribute to international dialogue restoration, trust building, peaceful settlement of differences, and prevention of armed conflicts.

## IPU Peacebuilding Experience

Many international parliamentary organizations have amassed a wealth of experience in successfully preventing international conflicts and promoting peace.

Special attention is given to this focus area by the major and the longest-standing international parliamentary organization, the Inter-Parliamentary Union (IPU).

The Standing Committee for Peace and International Security is active within the IPU. The Middle East Committee for the Israel-Palestine peaceful settlement opened in

1987, and its responsibilities have been expanded to the whole region since 2014. The Cyprus mediation group works since 1991.

The need to extend the role of parliamentary diplomacy in promoting peace is recorded in IPU resolutions. The prevention of conflicts and the restoration of peace and trust in countries emerging from war; The return of refugees to their countries of origin, the strengthening of democratic processes and the hastening of reconstruction (1998)<sup>3</sup> and Co-operation for world and regional security and stability, as well as for respect of all forms of sovereignty and independence of states (1997)<sup>4</sup>.

In 2017, a resolution was adopted on setting up a Special High-Level Parliamentary Diplomats Unit for supporting IPU's mediation role. The IPU sponsors mediation missions on a regular basis, including its participation in inter-Korean peaceful settlement since 2015. Supervisory missions are sent off for the first-hand assessment of the situation in sensitive regions, particularly in Burundi and Uganda. Technical advisory services are provided for stabilizing domestic political situation in political crisis situations, e.g. for parliaments in Egypt, Libya, Oman, and Tunisia. The IPU rendered assistance to the parliaments for supporting the post-conflict peace-building in Kenya, Sierra Leone, Uganda, Côte d'Ivoire, Ruanda, Central African Republic and other countries, and is ready to assist in supporting parliamentary activity in post-war Syria. Regional conferences and seminars are held, such as the conference The role of parliaments in preventing and settling conflicts in West Africa, that took place in Côte d'Ivoire in 2013.

Since 2016, the IPU has opened a new focus area in promoting peace: the development of transboundary technology projects in concert with the leading global scientific and expert organizations, focused on scaling down

<sup>3</sup> Resolution adopted by the 99th Inter-Parliamentary Conference. The prevention of conflicts and the restoration of peace and trust in countries emerging from war; the return of refugees to their countries of origin, the strengthening of democratic processes and the hastening of reconstruction. Windhoek, 10 April 1998. URL: <http://archive.ipu.org/conf-e/99-1.htm>

<sup>4</sup> Resolution adopted by the 97th Inter-Parliamentary Conference. Co-operation for world and regional security and stability, as well as for respect for all forms of the sovereignty and independence of states. Seoul, 14 April 1997. URL: <http://archive.ipu.org/conf-e/97-1.htm>

<sup>1</sup> SIPRI Yearbook 2018. Armaments, Disarmament and International Security. - Stockholm International Peace Research Institute, 2019. p.1.

<sup>2</sup> World military expenditure grows to \$1.8 trillion in 2018. SIPRI - Stockholm International Peace Research Institute, 2019. URL: <https://www.sipri.org/media/press-release/2019/world-military-expenditure-grows-18-trillion-2018>

long-standing conflict-generating processes in relations between neighboring countries due to the rivalry for water and energy resources.

The IPU lays special emphasis on the role of parliaments in preventing foreign interventions and other forms of meddling in national affairs, arguing that not a single country shall corner the conflict settlement worldwide, especially by use of threat of force<sup>5</sup>. In 2017, this viewpoint was also captured in the resolution *The role of parliament in respecting the principle of non-intervention in the internal affairs of States*<sup>6</sup>.

## Civilizational Dialogue

The promotion of civilizational dialogue reducing international tensions is another important aspect in the IPU peacebuilding activities. The special role of parliamentary diplomacy in this focus area was mentioned in the *St. Petersburg Declaration on Promoting Cultural Pluralism and Peace through Interfaith and Inter-Ethnic Dialogue*. (2017)<sup>7</sup>.

## Disarmament and Non-Proliferation

An important priority in the IPU peacebuilding activities is given to the implementation of parliamentary control of the enforcement of international obligations concerning disarmament and non-proliferation.

The IPU has adopted a series of topical resolutions: *The role of parliaments in strengthening multilateral regimes for non-proliferation of weapons and for disarmament, in the light of new security challenges*. (2004)<sup>8</sup>, *The role of parliaments in strengthening control of traf-*

<sup>5</sup> *Resolution adopted by the 99th Inter-Parliamentary Conference. The prevention of conflicts and the restoration of peace and trust in countries emerging from war; the return of refugees to their countries of origin, the strengthening of democratic processes and the hastening of reconstruction. Ibid.*

<sup>6</sup> *Resolution adopted by the 136th IPU Assembly The role of parliament in respecting the principle of non-intervention in the internal affairs of States. Dhaka, 5 April 2017. URL: <http://archive.ipu.org/conf-e/136/item4.pdf>*

<sup>7</sup> *St. Petersburg Declaration on Promoting cultural pluralism and peace through interfaith and inter-ethnic dialogue. Endorsed by the 137th IPU Assembly. St. Petersburg, 18 October 2017. URL: <http://archive.ipu.org/conf-e/137/SPB-declaration.pdf>*

<sup>8</sup> *Resolution adopted by the 111th Assembly. The role of parliaments in strengthening multilateral regimes for non-proliferation of weapons and for disarmament, in the light of new security challenges. Geneva, 1 October 2004. URL: <http://archive.ipu.org/conf-e/110/110-1.htm>*

ficking in small arms and light weapons and their ammunition. (2006)<sup>9</sup>, *Advancing nuclear non-proliferation and disarmament, and securing the entry into force of the Comprehensive Nuclear-Test-Ban Treaty: the role of parliaments*. (2009)<sup>10</sup>, *The role of parliaments in supervising the destruction of chemical weapons and the ban on their use*. (2013)<sup>11</sup>, *Towards a nuclear-weapon-free world: the contribution of parliaments*. (2014)<sup>12</sup>. Conferences and round tables are held on a regular basis: the IPU session in Abidjan to mark the implementation of the UNO Security Council resolution 1540 in 2012 was attended by 70 MPs from 18 countries<sup>13</sup>. The CTBT is asking for the IPU assistance in the ratification of the treaty by all countries<sup>14</sup>. The parliamentary strategy of global disarmament is being developed<sup>15</sup>.

The IPU is also motivated to use parliamentary opportunities for control of security privatization and PMC deployment for waging hybrid warfare as a dangerous destabilizing factor incidental to today's international relations.

In 2019, the IPU adopted a resolution *Non-admissibility of using mercenaries and foreign fighters as a means of undermining peace, international security and the territorial integrity of States, and violating human rights*. (2019)<sup>16</sup>.

The disarmament agenda is the bedrock of the activities of a wide range of global parliamentary associations.

<sup>9</sup> *Resolution adopted by the 114th Assembly The role of parliaments in strengthening control of trafficking in small arms and light weapons and their ammunition. Nairobi, 12 May 2006. URL: <http://archive.ipu.org/conf-e/114/114-1.htm>*

<sup>10</sup> *Resolution adopted by the 120th IPU Assembly Advancing nuclear non-proliferation and disarmament, and securing the entry into force of the Comprehensive Nuclear-Test-Ban Treaty: the role of parliaments. Addis Ababa, 10 April 2009. URL: <http://archive.ipu.org/conf-e/120/120-1.htm>*

<sup>11</sup> *Resolution adopted by the 129th IPU Assembly The role of parliaments in supervising the destruction of chemical weapons and the ban on their use. Geneva, 9 October 2013. URL: <http://archive.ipu.org/conf-e/129/res-emrg.htm>*

<sup>12</sup> *Resolution adopted by the 130th IPU Assembly Towards a nuclear-weapon-free world: the contribution of parliaments. Geneva, 20 March 2014. URL: <http://archive.ipu.org/conf-e/130/Res-1.htm>*

<sup>13</sup> *IPU Annual Report 2016. URL: <https://www.ipu.org/resources/publications/about-ipu/2017-03/annual-report-activities-inter-parliamentary-union-2016>*

<sup>14</sup> *IPU Annual Report 2018/19. URL: <https://www.ipu.org/file/6585/download?token=i80Es6E2>*

<sup>15</sup> *IPU Annual Report 2017. URL: <https://www.ipu.org/file/4474/download?token=YvWKNbJ3>*

<sup>16</sup> *Resolution adopted by the 140th IPU Assembly. Non-admissibility of using mercenaries and foreign fighters as a means of undermining peace means of undermining peace, international security and the territorial integrity of States, and violating human rights. Doha, 10 April 2019. URL: [https://www.ipu.org/sites/default/files/documents/item\\_4-resolution-first-committee\\_ns...pdf](https://www.ipu.org/sites/default/files/documents/item_4-resolution-first-committee_ns...pdf)*

More than 800 MP's from over 80 countries are members of the international parliamentary association Legislators for Nuclear Non-Proliferation and Disarmament.

Legislators for Global Action have been supporting the Campaign for signing the Comprehensive Test Ban Treaty (CTBT) since 1984; they assist the ratification of the Arms Trade Treaty, the Convention on Strengthening Control of Trafficking in Small Arms and Light Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction<sup>17</sup>.

The Parliamentary Small Arms and Light Weapons Forum has been rallying 230 members from 80 countries since 2002 and is a media outlet for sharing experiences and developing model legislation.

## Regional Monitoring and Mediation Missions

Regional parliamentary organizations are also committed to promoting peacebuilding activities.

The OSCE Parliamentary Assembly and PACE send off parliamentary mediation missions to troubled areas of the world on a regular basis.

The OSCE Parliamentary Assembly Special Peace Mediation Envoy's task is to scan the international situation in security focus area with emphasis on the ongoing and emerging conflicts on the OSCE area and submit relevant reports to the Parliamentary Assembly.

**Historically, the IPA CIS has plenty of successful experience in the promotion of conflict settlement.**

Its mediation mission obtained the agreement in Bishkek in 1994, securing cease-fire in Nagorny Karabakh. Other Assembly groups were also successful in conflict settlement in Transnistria (1994) and Abkhazia (1995). In 2004, the observers were sent off to Serbia and Montenegro.

**In Africa**, the regional inter-parliamentary associations make substantial contribution to conflict prevention and peacebuilding.

The AMANI Forum (The Great Lakes of Africa World Forum) founded in 1998, clustered 650 MP's from Burundi, DROC, Zambia, Kenya, Ruanda, Tanzania, Uganda.

This forum set up systematic monitoring missions in zones of conflicts and election observation missions. The Forum assisted in building up dialogue between MP's of Burundi and Tanzania, sponsored missions to establish facts for assessment of the situation in North and South Sudan, in North Uganda, and parliamentary surveillance of the fulfillment of international security agreements by the Forum member states<sup>18</sup>.

In the context of growing globalized rivalry for reclamation of the Arctic region and stepping up NATO military exercises close to the northern borders of Russia, the Conference of Parliaments of the Barents Region, the Standing Committee and the Conference of Parliaments of the Arctic Region make an important contribution to maintaining the meaningful dialogue between arctic countries and to easing tensions in the region.

**Future-oriented Agenda for MP's: Channels for Assistance to Peacebuilding and International Security:**

- ▶ Mediation missions for maintaining dialogue between parties to a conflict;
- ▶ Assistance in post-conflict settlement;
- ▶ Election observation missions to facilitate international recognition and promote legitimacy of the elected government authorities;
- ▶ Ratification and monitoring of the performance of international security agreements by the governments;
- ▶ Development of national legislation in the area of security and conflict prevention;
- ▶ Assistance to negotiation process and drafting own proposals on developing the international legal framework aimed at prevention of the new arms race, and of the militarization of outer space and cyberspace;
- ▶ Promotion of intercultural, civilizational and interfaith dialogue;
- ▶ Obstructing resolutions on deploying national armed forces abroad, which have no grounds in international law, and updating the national legal base with the pur-

A considerable positive impact can be made in the international security focus area by more effective remedies and concerted efforts of MPs in the field of the collective memory. Any attempts to review the outcome of WWII have dangerous destabilizing effects and are designed to legitimize the policy and the ideology, which had already led to a global armed conflict in the past.

<sup>17</sup> Our Key Achievements to Date. Parliamentarians for Global Action (PGA). URL: <http://www.pgaction.org/about/key-achievements.html>

<sup>18</sup> Johnston N. *Regional Parliamentary Peacebuilding and Engagement with International Organizations*/O'Brien M., Stapenhurst R. *Parliaments as Peacebuilders in Conflict-affected Countries*. Washington D.C.: World Bank Publications, 2008. P.204-206.

pose to limit discretion for military interventions without UN authorization.

## Evaluation of Practices, National and International Law Aimed at Providing International Cyber Security

The fourth industrial revolution and the transition of world economy to a new techno-economic paradigm related to economy digitalization make the provision of national cyber security and the **protection of cyber sovereignty** a strategic priority of all countries.

The International Cyber Security (ICS) has become an important parameter of global stability. Internationally, the strategies for developing international legal framework in the field of the International Cyber Security are still different, which hampers the approval of unified global standards and the conclusion of universal treaties in this field.

## International Strategies in Providing ICS

The **UNO** is the central forum for the negotiation process on working out common strategies for the ICS. Since 1998, Russia has been consistently carrying its point in the mutual approval and legislative consolidation of unified international standards for government activities in the cyberspace<sup>19</sup>. These efforts led to the adoption by the 73rd session of the UN General Assembly as of December 05, 2018 of the **Resolution 73/27** Developments in the Field of Information and Telecommunications in the Context of International Security, which, for the first time ever, has regularized 13 principles for responsible behavior of governments in the cyberspace<sup>20</sup>.

**The Resolution 73/27 of the UN General Assembly** included the commitment to use ICT (Information and Communication Technologies) solely for peaceful purposes, to digitally uphold the principle of national sovereignty, to cooperate in the struggle against the use of ICT for

criminal and terrorist purposes, to prevent dissemination of latent malicious functions in IT-products, to justify the necessity of any accusations of other countries of an ICT misuse and not to employ intermediaries for an ICT misuse. Governments were made responsible for maintaining the safe and peaceful ICT-environment and the crucial role in the negotiation process on the International Cyber Security (ICS) was reserved for the UN.

**The Resolution was defensive in favor of all countries regardless of the technological development level and greatly emphasized the importance of rendering international aid to overcome gaps in levels of ICT development.**

The 13 principles are based on the operating results of the UN Group of Governmental Experts and shall form the backbone of international ICS agreements, the development of which shall be continued by a special Working Group.

A majority vote (119) supported the Resolution, whereas **46 governments including the USA, EU-countries, Australia, Israel, Canada and Japan voted nay.**

At the US initiative the UN General Assembly adopted an alternative **Resolution 73/266** Promoting responsible state behavior in cyberspace in the context of international security.

The Resolution 73/266 of the UN General Assembly emphasizes the voluntary nature of the standards and makes a call for setting up a new Group of Governmental Experts internally<sup>21</sup>.

In 2019, two ICS negotiation instrumentalities are to be set up in the UN: an **Open-ended Working Group (OEWG)** for all member states, at the initiative of Russia, and a **Group of Governmental Experts (GGE)**, at the US initiative.

Russia proposes that OEWG should focus on the issues of the responsible state behavior in the cyberspace, trust-building measures, development aid and discussion of the ICS negotiation format, and GGE should concentrate on the applicability of the current international regulations to cyberspace<sup>22</sup>.

In **Resolution 73/187** as of December 17, 2018, the UN General Assembly (94 governments voted aye,

<sup>19</sup> At the initiative of Russia, the issue of cyber security was put on the UN in 1998: the Russian draft resolution 53/70, Developments in the Field of Information and Telecommunications in the Context of International Security, was adopted by the UN General Assembly as of 04.12.1998. URL: [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/53/70&referer=/english/&Lang=R](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/53/70&referer=/english/&Lang=R). Resolution on this issue were adopted by the UN General Assembly annually in 2000-2016.

<sup>20</sup> Resolution 73/27 Developments in the Field of Information and Telecommunications in the Context of International Security of the UN General Assembly. 05.12.2018. URL: <https://undocs.org/ru/A/RES/73/27>

<sup>21</sup> Resolution 73/266 of the UN General Assembly Promoting responsible state behaviour in cyberspace in the context of international security. 22.12.2018. URL: <https://undocs.org/ru/A/RES/73/266>

<sup>22</sup> A.V.Krutskikh Russia has nothing to hide and nothing to fear. –Interview by A.V.Krutskikh, Special envoy of the RF President as to international cooperation in the field of cyber security, to Kommersant dd. 27.03.2019. URL: <https://www.kommersant.ru/doc/3923963>

59 governments voted nay) approved Russia's initiative to widely broach the countering of the use of information for criminal purposes<sup>23</sup>, laying the groundwork for developing the relevant **UN universal convention**. Earlier, back in 2017, Russia had presented a preliminary UN Convention Draft on co-operation in countering the use of information for criminal purposes designed to provide for unavailability of punishment for cybercrimes.

Russia's approach to the ICS negotiation process depends on the enlisting of a broad range of developed and developing countries in the **development of solutions** handling this field on an equal footing, for **bridging the digital inequality** with consideration to the growing importance of developing countries in global cyberspace.

In the context of global widening of the Internet access, the share of Europeans and North Americans among Internet surfers went down to 25%<sup>24</sup>. This is an important, but not a decisive indicator of bridging the digital inequality.

**The pivotal role belongs to the frameworks of ICT regulation on the level of international law and on national levels:**

- ▶ **In security**, to achieve the digital sovereignty, implementing the principles of responsible behavior in the net, countering the ICT use for criminal, terrorist, malicious or aggressive purposes;
- ▶ **In antimonopoly policy**, to secure even digital development and bridging the global digital inequality.

Efforts by some western countries to maintain a favorable status quo in the international cyberspace essentially lead to maintaining the digital inequality<sup>25</sup>.

The Russian initiatives represent the **BRICS countries'** team philosophy in ICS regulating. Under the BRICS, an ICT Security Working Group of Experts has been active since 2015, and in 2017, a Road Map of practical co-operation in providing ICT security was adopted.

Beyond the UN, a French initiative **Paris Call for Trust and Security in Cyberspace** was also announced in 2018, joined by 51 states, 50 international and regional organizations and

<sup>23</sup> Resolution 73/187 of the UN General Assembly Countering the use of information and communication technologies for criminal purposes. 17.12.2018 r. URL: <https://undocs.org/ru/A/RES/73/187>

<sup>24</sup> E.S.Zinovyeva *International co-operation on providing cyber security: problems, subjects, opportunities: Dr.sc.pol thesis: 23.00.04. [Defense location: Moscow State University of Foreign Affairs / The Ministry of Foreign Affairs of the Russian Federation], 2017. P.57.*

<sup>25</sup> On the adoption by the UN General Assembly of the Russian Resolution on countering the use of information for criminal purposes. The Ministry of Foreign Affairs of the Russian Federation. 18.12.2018. URL: [http://www.mid.ru/ru/mezhdunarodnaa-informacionnaa-bezopasnost/-/asset\\_publisher/UsCUTiw2pO53/content/id/3449030](http://www.mid.ru/ru/mezhdunarodnaa-informacionnaa-bezopasnost/-/asset_publisher/UsCUTiw2pO53/content/id/3449030)

more than 170 private companies<sup>26</sup>. The Declaration suggests that the Council of Europe's Budapest Convention on Cybercrime as of 2001 should be considered as a foundational international legal instrument in this field, notwithstanding that its provisions concede the **contravention of principle of national sovereignty** and are unacceptable to many countries<sup>27</sup>.

The equalization of the states and non-governmental participants of information space managers potentially weakens the basic principles of international cyber security.

Some provisions of the Convention can be construed as an admission of an armed stand-off between States in the cyberspace<sup>28</sup>.

## Regional Initiatives in ICS Regulation

Package policy in ICS regulations development is actively pursued at the **regional level**.

The **SCO** (Shanghai Cooperation Organization) is leader in this field.

The SCO ICS Agreement signed in 2009 and open for accession was the first international agreement in the field of cyber security worldwide<sup>29</sup>.

In 2015, the ICS rules of behavior aimed at preventing conflicts in cyberspace, bridging the global digital inequality, Internet governance internationalization, and protection of human rights in digitalized environment were developed on the basis of SCO.

Package policy in ICS problems is shaped within the EU framework: the EU Cyberspace Security Strategy was adopted in 2013, then the Directive of the European Parliament on Computer Network and IT-Systems Safety followed in 2016.

Persistent efforts are made in the CSTO (Collective Security Treaty Organization), **CIS**, **OSCE**, **ASEAN** and other regional associations.

<sup>26</sup> *Cybersécurité : Appel de Paris du 12 novembre 2018 pour la confiance et la sécurité dans le cyberspace.* URL: [https://www.diplomatie.gouv.fr/IMG/pdf/texte\\_appel\\_de\\_paris\\_-\\_fr\\_cle0d3c69.pdf](https://www.diplomatie.gouv.fr/IMG/pdf/texte_appel_de_paris_-_fr_cle0d3c69.pdf)

<sup>27</sup> *Convention on Cybercrime. Council of Europe. Budapest, 2001.* URL: [http://www.europarl.europa.eu/meetdocs/2014\\_2019/documents/libe/dv/7\\_conv\\_budapest\\_/7\\_conv\\_budapest\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/7_conv_budapest_/7_conv_budapest_en.pdf)

<sup>28</sup> *Comments by Information and Press Department, the Ministry of Foreign Affairs of the Russian Federation, on Russian evaluation of the French initiative Paris plea for trust and cybersecurity.* URL: [http://www.mid.ru/ru/mezhdunarodnaa-informacionnaa-bezopasnost/-/asset\\_publisher/UsCUTiw2pO53/content/id/3413302](http://www.mid.ru/ru/mezhdunarodnaa-informacionnaa-bezopasnost/-/asset_publisher/UsCUTiw2pO53/content/id/3413302)

<sup>29</sup> *Agreement between the governments of the member States of the Shanghai cooperation organization on cooperation in the field of international cybersecurity. 2009*

## Inter-Parliamentary ICS Initiatives

In current conditions, the harmonization of strategies for regulating ICS is high in demand on an **inter-parliamentary level**.

At the 132nd **IPU** assembly in 2015, the Hanoi Resolution Cyber warfare: a serious threat to peace and global security was adopted, appealing to articulate, at the UN General Assembly, an international convention on preventing a cyberwarfare, to create a UN Global Record of Cyberattacks, to establish regional and global cyberspace surveillance instrumentalities under international law and to render aid to developing economies in strengthening cybersecurity<sup>30</sup>.

The further development of instrumentalities for regulating ICS within IPU, Conference of Eurasian and other parliamentary speakers ensuring equitable dialogue and free participation of all States concerned is urgent.

## National Strategies in Providing ICS

At the level of **domestic law**, centralization of state control of ICT infrastructure and data flow in the digitalized environment, requirement toughening as to the software operation transparency, setting up Computer Attacks Quick Response Teams, broadening cyber-threat law enforcement powers remain among major trends in developing legal regulations for ICS.

In a number of countries like Russia, China and Vietnam, the legislation demands that Internet service providers keep users' data within the country. In China, measures to limit user network anonymity have been introduced, and the system Great firewall has been active since 1998, to restrict user access to some non-domestic web sites.

New laws and regulations protecting digital sovereignty and requirement toughening in the field of cybersecurity were adopted by Australia, Vietnam, China, Russia, Thailand and Taiwan, while UK announced plans for tightening of control<sup>31</sup>.

<sup>30</sup> 132nd IPU Assembly Resolution Cyber warfare: A serious threat to peace and global security. Hanoi, 1 April 2015. URL: <http://archive.ipu.org/conf-e/132/Res-1.htm>

<sup>31</sup> Online Harms White Paper. UK Government. 2019. URL: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/793360/Online\\_Harms\\_White\\_Paper.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793360/Online_Harms_White_Paper.pdf)

Legislation development trends in some countries bring on **risks of the cyberspace militarization**. In the US, the legislative ICS control is being developed in compliance with the National Cybersecurity Strategy as of 2018. Centralized control of the communication networks and IT-systems, as well as vendors of ICS equipment was established<sup>32</sup>. The US intend to obtain other countries governments' permission to act on their territory without agreement, requires support in deterring suspects in cybercrimes abroad at short notice, expects to confront the regimes limiting access to Internet information, to deadlock any cyber campaigns running counter to the interests of the US or threatening them, and to thwart attempts to create a state-oriented ICT infrastructure.

**The US secures a place for itself in waging offensive cyberwarfare**. A government structure determining of-fending countries in terms of the principles of responsible behavior in cyberspace, in order to subject them to diplomatic, economic, military, information measures and cyber operations, was created<sup>33</sup>. **The decision for unleashing cyberwarfare is no longer under the Parliament's control**.

## Priorities of ICS Parliamentary Dialogue:

- ▶ Promote harmonization of approaches to ICS legal regulation nationally and internationally;
- ▶ Provide for inclusiveness and equality of rights in the international negotiation process on ICS principles;
- ▶ Promote the prevention of cyberspace militarization and proliferation of cyberwarfare,
- ▶ Promote the strengthening of international control of Internet, and restriction of out-and-out electronic surveillance, including the surveillance targeting foreign nationals.

## Evaluation of National and International Legal Practices in the Field of Countering Terrorist and Extremist Activity, Organized Crime, Drug Trafficking, and Money Laundering

The problem of terrorist and extremist activity, organized crime, drug trafficking, and money laundering is transboundary and therefore its solution fully depends on the efficiency of co-operation between States on international level.

International documents like treaties, agreements and non-regulatory acts drafted by both universal and special-

<sup>32</sup> Strategy stipulations are implemented through Cybersecurity and infrastructure security Agency act as of 16.11.2018 and Safe technology act as of 21.12.2018.

<sup>33</sup> National Cyber Strategy of the USA. The White House. 2018. URL: <https://www.whitehouse.gov/wp-content/uploads/2018/09/National-Cyber-Strategy.pdf>

ized international organizations constitute the legal framework for this co-operation.

The role of non-regulatory acts is currently becoming increasingly important. Unlike international treaties, non-regulatory acts are more flexible. Subject to purposes and spirit of these international documents, countries are in the position to implement them into national law by reference to specific features of their legal framework. International treaties, although conceding reservation clauses, normally have a direct application and a primacy over local law; therefore deviations from their provisions are inadmissible.

The impact of international documents on national legal frameworks factors into harmonization of counter-challenge and counter-threat techniques and into closer co-operation between States in the relevant fields.

National legal practices maintain their pivotal role in the context under discussion. The development of the ethics and infrastructure forexchange and mutual importation of best practices in legal regulation became a mainstream of inter-parliamentary co-operation.

## Countering Terrorist and Extremist Activity

There is no single, agreed-upon definition of international terrorism. There can be various reasons for this: manifestations of international terrorism in various fields, each having its own specifics, complexity of legal delimitation of terrorism from national liberation movements etc.

By now, an adequate and far-reaching international legal framework countering international terrorism has been developed. It includes distinct groups of documents related to terrorist manifestations.

**Following regulations have been adopted for suppression of international terrorist manifestations in air and water transportation:** Convention on Offences and Certain Other Acts Committed On Board Aircraft as of 1963<sup>34</sup>; Convention for the Suppression of Unlawful Seizure of Aircraft as of 1970; Convention for the suppression of unlawful acts against the safety of civil aviation as of 1971; convention for the suppression of unlawful acts against the safety of maritime navigation as of 1988.

Following regulations have been adopted for suppression of international terrorist manifestations against gov-

ernment agents and representatives of international organizations: Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents as of 1973; UN Convention on the safety of UN and associated personnel as of 1994.

**A number of international treaties are designed to suppress international terrorism involving the use of explosives:** Convention on the marking of plastic explosives for the purpose of detection as of 1991; International Convention for the Suppression of Terrorist Bombings as of 1997.

**There are special international treaties on suppressing international terrorism related to taking possession of nuclear weapons:** Convention on the Physical Protection of Nuclear Material as of 1980; International Convention for the Suppression of Acts of Nuclear Terrorism as of 2005.

**Other international treaties on suppressing international terrorism include** International Convention against Taking Hostages as of 1979; International Convention for the Suppression of the Financing of Terrorism as of 1999.

The suppression of financing terrorism has become a field of the most intensive international cooperation.

Within the framework of FATF (Financial Action Task Force on Money Laundering), International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation were elaborated (FATF Recommendations as of 2012).

### Legislative practice in the Russian Federation:

Federal law as of 07.08.2001 No. 115-Φ3 On countering the legalization (laundering) of proceeds from crime and the financing of terrorism; the Criminal Code of the Russian Federation as of 13.06.1996 No. 63-Φ3

**Section 205** Terrorist Attack; **Section 205.1** Promotion of terrorist activities; **Section 205.2** Public calls for terrorist activities, public justification of terrorism or propaganda of terrorism; **Section 205.3** Training in order to carry out terrorist activities; **Section 205.4** Organization of and participation in the terrorist community; **Section 205.5** Organization of the activities of a terrorist organization and participation in the activities of such an organization; **Section 207** Knowingly false report of an act of terrorism.

Immediately after a series of fraudulent communication of explosive devices in popular walking areas in 2017, an update was given on Section 207 of the Criminal Code of the Russian Federation as of 31.12.2017 No. 501-Φ3.

Providing prompt updates on public security issues represents a practical aspect of the Russian law.

<sup>34</sup> The document was prepared with information support of the legal reference system Konsultant Plus. So long as not otherwise specified, on-line versions of texts and essentials of pieces of RF legislation, international treaties, other documents housed within the legal reference system KonsultantPlus are used in this text, whereas their sources of publication (e-mail accounts) are not being additionally listed.

Legislative practice in the Russian Federation:

In the light of countering extremist activity, the Russian legislation has promptly responded to the appearance of new dissemination channels.

At the same time, the **case law in Russia** (§ 2 Section 280 of the Criminal Code of the Russian Federation Public calls for extremist activity), **providing for the punishment for public calls for extremist activity** through the use of mass media or information and telecommunication networks, including Internet, **indicated the need for the fine-tuning of this legislation**, in particular, disapplication of broad interpretation of the Criminal Code (the problem of liability for "likes" and "reposts" of messages of extremist tendency), the provisions of which shall be applied word-for-word.

## Priorities of inter-parliamentary co-operation in the context of countering terrorism and extremism include:

- ▶ Implementation of instrumentalities combatting the financing of terrorism through the use of virtual currencies (cryptocurrencies);
- ▶ Elaboration of package policy toward the suppression of telephone terrorism, especially where deliberately misleading messages of a terrorist attack come from a foreign country;
- ▶ Particularly concerning extremism, it needs to be defined, whether "likes" and "reposts" of messages containing public calls for extremist activity are worth treating as crime.

## Fighting Organized Crime

Legal fundamentals of fighting organized crime at international scale are presented by the following instruments: UN Convention Against Transnational Organized Crime as of 2000; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children as of 2000; Protocol against the Smuggling of Migrants by Land, Sea and Air as of 2000; Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition as of 2001.

Legislative practice in the Russian Federation: a number of Sections of the Criminal Code of the Russian Federation are dedicated to fighting organized crime: the General Part of the Criminal Code of the Russian Federation contains Section 35 Commission of a crime by a

group of persons, a group of persons by prior agreement, an organized group or a criminal community (criminal organization), the Special Part includes Section 210 Organization of or participation in a criminal Association (criminal organization); Section 210.1 Occupying the highest position in the criminal hierarchy; Section 127.1 Trafficking in persons; Section 322.1 Organization of illegal migration; Section 222 Illegal acquisition, transfer, sale, storage, transportation or carrying of weapons, their main parts, ammunition.

**An emerging trend in the Russian law is intensification of the fight against organized crime through toughening the criminal prosecution of its leaders** (Section 210.1 of the Criminal Code of the Russian Federation introduced by the Federal Law as of 01.04.2019 No. 46-ФЗ).

This matters because a criminal community cannot function effectively without a leader.

One of the priorities of practical inter-parliamentary co-operation in the field of fighting organized crime is the **synchronization of legislative measures for the upgrading of penalties for entities leading organized crime.**

## Fighting Drug Trafficking

A number of universal and regional international treaties are dedicated to fighting drug trafficking. The universal treaties are Single Convention on Narcotic Drugs as of 1961; Convention on Psychotropic Substances as of 1971; Convention Against Illicit Traffic in Narcotic Drugs as of 1988.

As an example of a regional international treaty, we can quote the Agreement on Cooperation of the CIS Member States in Combating Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors as of 2000.

Legislative practice in the Russian Federation:

A considerable part of the Sections of the Criminal Code of the Russian Federation are dedicated to fighting drug trafficking.

Below is the legal vocabulary of these legal acts: Section 228 **Illegal acquisition, storage, transportation, manufacture, processing of drugs...**; Section 228.1 **Illicit production, sale or transfer of narcotic drugs ...**; Section 228.2 **Violation of the rules of distribution of narcotic drugs**; Section 228.4 **Illicit production, sale or transfer of precursors of narcotic drugs**; Section 229 **Theft or extortion of drugs...**; Section 229.1 **Smuggling of narcotic drugs ...**; Section 230 **Inducement to use drugs ...**; Section 231 **Illicit cultivation of plants con-**

**taining narcotic drugs ...;Section 232 Organization or maintenance of brothels or systematic provision of premises for the consumption of narcotic drugs ...;Section 233 illegal issuance or forgery of prescriptions or other documents giving the right to receive drugs...**

Emphasis should be put on the development of the sector of the Russian legislation in the field of fighting drug trafficking, aimed at the non-admission of the use of doping in sports. The **relevant** sections included in the Criminal Code of the Russian Federation reflect the worldwide trend of combating doping and make Russia one of the roughest anti-doping regulator worldwide.

Below is the legal vocabulary of these sections added to the Criminal Code of the Russian Federation by the Federal Law as of 22.11.2016 No. 392-ФЗ: Section 230.1 Inducement of an athlete to use substances and /or methods prohibited for use in sports and Section 230.2 Use of substances and /or methods prohibited for use in sports against the athlete.

## Priorities of inter-parliamentary co-operation in the context of fighting drug trafficking include:

- ▶ Elaboration of package policy toward the definition of the prohibited drugs in sports or doping;
- ▶ Countering online purchase and sale of drugs with e-wallets and Crypto Wallets.

## Anti-Money Laundering

An example of an international treaty on anti-money laundering is the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime as of 1990 (Council of Europe) adopted regionally. At the universal level, the FATF Recommendations of 2012 are in effect, having a recommendatory character and requiring flexible implementation in national legislation. The international standards implementation control is a task of FATF expert groups including representatives of different member states, within the framework of mutual evaluation rounds.

As of October 2018, amendments to FATF standards were discussed and adopted at a FATF Plenary Meeting, partly on request of G20 ministers, in order to respond to a widespread use of virtual assets for money laundering and financing of terrorism. These include an amendment to FATF Recommendations and Glossary adopted to spec-

ify organizations and business activities subject to FATF requirements, if virtual assets are used<sup>35</sup>.

Legislative practice in the Russian Federation includes the following regulations aimed at anti-money laundering: the Federal Law as of 07.08.2001 No. 115-ФЗ On countering the legalization (laundering) of proceeds from crime and the financing of terrorism, and the Criminal Code of the Russian Federation as of 13.06.1996 No. 63-ФЗ (**Section 174** Legalization (laundering) of funds or other property acquired by other persons by criminal means; **Section 174.1** Legalization (laundering) of funds or other property acquired by a person as a result of the Commission of a crime).

Although the term “virtual asset (cryptocurrency)” is not available in the Russian law, the guiding function in this field is now taken over by the Information message of the Federal service for financial monitoring<sup>36</sup> On the use of virtual currencies and the Resolution of the Plenary session of the RF Supreme Court as of 07.07.2015 No. 32, which stipulates that “the subject of the crimes provided for in articles 174 and 174.1 of the Criminal Code of the Russian Federation may include funds converted from virtual assets (cryptocurrencies) acquired as a result of the crime”.

**The elaboration of package policy toward defining the term “virtual currency (cryptocurrency)”** is a promising area of the inter-parliamentary co-operation in the field of anti-money laundering. A unified approach would allow for enforcing regulations on **cryptocurrencies and suppressing their use for criminal purposes**.

<sup>35</sup> Official website of the Eurasian group on combatting money laundering and financing of terrorism (EAG). URL: [https://eurasiangroup.org/files/uploads/files/other\\_docs/Bulletin/bulleten36\\_rus.pdf](https://eurasiangroup.org/files/uploads/files/other_docs/Bulletin/bulleten36_rus.pdf)

<sup>36</sup> The Federal service for financial monitoring (Rosfinmonitoring) is a Federal Executive authority performing functions on counteraction to legalization (laundering) of proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction, public policy and legal regulation in this sphere, coordination of relevant activities of other Federal Executive authorities, other state authorities and organizations, as well as the functions of the national center for the assessment of threats to national security arising from transactions (dealings) with cash or other property, and developing measures to counter these threats.





***SECTION***

**LAWMAKING  
AND THE LEGAL  
FRAMEWORK FOR  
THE DIGITAL FUTURE:  
CHALLENGES  
AND SOLUTIONS**





## SECTION II.

# LAW MAKING AND LEGAL FRAMEWORK FOR DIGITAL FUTURE: CHALLENGES AND SOLUTIONS

Do not get set into one form, adapt it and build your own, and let it grow, be like water. Empty your mind, be formless, shapeless — like water.

Bruce Lee, *A Warrior's Journey*

### Key Challenge of Digital Future

Shortly before his demise, astrophysicist Stephen Hawking, when answering questions from science fans on his page in the r/science community on Reddit.com, gave the following comment on our society's development prospects related to the on-going technological changes: “If machines produce everything we need, the outcome will depend on how things are distributed. Everyone can enjoy a life of luxurious leisure if the machine-produced wealth is shared, or most people can end up miserably poor if the machine-owners successfully lobby against wealth redistribution. So far, the trend seems to be toward the second option, with technology driving ever-increasing inequality”<sup>2</sup>.

Russian President Vladimir Putin shared Dr. Hawking's fears, when addressing the St. Petersburg International Economic Forum held on 6-8 June, 2019.

Concern over a likely surge in inequality at the current stage of industrial revolution has actually become almost a truism in Western discussions about the digital economy<sup>4</sup>.

A recently released large-scale work “Capital in the Twenty-First Century”<sup>5</sup>, by prominent economist Thomas Piketty, whose title is similar to that of Karl Marx's famous

V.V.Putin: “Monopoly always means concentration of incomes in the hands of the few at the expense of all the rest, and in this sense attempts to monopolise the new technological wave, limit access to its results are taking the problem of global inequality both among countries and regions and within countries themselves to an absolutely new and different level. And we are well aware that this is the main source of instability.

It is not only about the level of incomes, income inequality, it is about the fundamental difference in people's opportunities. In fact, in the making there is an attempt to form two worlds, and the gap between them keeps growing. Where some people have access to the most advanced systems of education, health, modern technologies, others have neither prospects, nor chances to escape poverty, and still others are hardly balancing on the verge of survival”<sup>3</sup>.

work, concludes after analysing a huge set of empirical data of the past three centuries that inequality growth is a fundamental problem of the current period in social and economic development.

Far from being solved, this problem is only getting worse against the backdrop of current technological shifts and the global economy's transition to a new quality – the digital economy.

According to an annual UNCTAD report, “hyperglobalization has led to a considerable concentration of economic power and wealth in the hands of a remarkably small number of people”<sup>6</sup>.

Growing world power of digital platforms, which like spiders drag an increasing number of economic activities and economic values into their digital webs, worsens rather than reduces the inequality problem.

<sup>1</sup> Director of the HSE — Skolkovo Institute for Law and Development; Director of BRIC's Antimonopoly Centre; assistant professor of the law faculty of the Higher School of Economics

<sup>2</sup> Hawking S. AMA Answers // *The New Reddit Journal of Science. Science AMA Series. Submitted on 08 Oct 2015. URL: [https://www.reddit.com/r/science/comments/3nyn5i/science\\_ama\\_series\\_stephen\\_hawking\\_ama\\_answers/cvsdmkv/](https://www.reddit.com/r/science/comments/3nyn5i/science_ama_series_stephen_hawking_ama_answers/cvsdmkv/)*

<sup>3</sup> [http://kremlin.ru/events/president/news/60707?fbclid=IwAR38iZbXoaP2u4H0E2Ht2LCuosyYrXmw\\_jAGwmJnMLk7RIK\\_NA1kTa9VUc](http://kremlin.ru/events/president/news/60707?fbclid=IwAR38iZbXoaP2u4H0E2Ht2LCuosyYrXmw_jAGwmJnMLk7RIK_NA1kTa9VUc)

<sup>4</sup> See, for instance: H.Ekbia, B.Nardi, *Heteromation, and Other Stories of Computing and Capitalism* (MIT Press, 2017): <https://mitpress.mit.edu/books/heteromation-and-other-stories-computing-and-capitalism>; A.McAfee and E.Brynjolfsson, *The Second Machine Age: Work, Progress, and Prosperity in a Time of Brilliant Technologies* (W.W.Norton, 2014): <http://books.wwnorton.com/books/the-second-machine-age/>

<sup>5</sup> Piketty T. *Capital in the Twenty-First Century*. Harvard University Press, 2014.

<sup>6</sup> UNCTAD Trade and Development Report 2017, [https://unctad.org/en/PublicationsLibrary/tdr2017\\_en.pdf](https://unctad.org/en/PublicationsLibrary/tdr2017_en.pdf)

Risks of ignoring this problem may be extremely high. For example, Joseph E. Stiglitz, a Nobel laureate in economics, points out in this book “The Price of Inequality” that growing inequality leads to significant losses for societies and governments, as well as provokes development imbalances that result in long-term instability.

This is not just a problem of some individuals that had a run of bad luck and found themselves at the bottom of social hierarchy, but the problem of performance, resilience and in the long run survival of the entire society.

“Widely unequal societies do not function efficiently, and their economies are neither stable nor sustainable in the long term. <...> We know how these extremes of inequality play out because too many countries have gone down this path before. <...> Many of the [these] countries were mired in civil conflict for decades, suffered high levels of criminality and social instability. Social cohesion simply did not exist”<sup>7</sup>, – Stiglitz concludes.

For developing countries, including the former Soviet republics, full scale transition to the digital economy, which is actually inevitable given the global nature of the changes, at least means that the present extreme economic inequality will add up to grave social transformations caused by the next phase of the industrial revolution.

Still greater inequality may result in large-scale and in many ways unpredictable implications for the development of societies and governments.

## Parliamentary Response

How does it all relate to law making? On this matter, let us refer to figures of authority. Ronald Dworkin, one of the leading theorists of law in the past century, focused in his works on this particular role of law in countering inequality. In his opinion, the legal system constitutes what is designed “to share the sense of purpose of the [legal] enterprise”, which is realized in society by all its members as inherently equal<sup>8</sup>. Without this framework of solidarity and common sense of purpose, law as the mechanism for governing social development loses all its meaning.

M.M. Agarkov, a prominent Russian and Soviet legal scholar, warned in the same vein: “Law is not a self-contained closed system, which exists and changes according to its

own internal laws”<sup>9</sup>. Analysing the status of legal science at the turn of the 20th century, which he lived through, the scholar noted that by the start of the 20th century “an integral world outlook had already ceased to exist, and science had to turn to the key issues of civil law, verify old truths, get rid of the obsolete and formulate anew its own basic premises”<sup>10</sup>.

This search for “integral world outlook” is also clear to the present-day lawyer irrespective of the country where they work.

Lack of vision of distinct practical and value driven landmarks results in the body of law turning lifeless. The prime mover, which is designed to become the driver of legal sphere development in our social and historical conditions, is the energy of the government and social aspiration. In fact, the action of this force as a tangible phenomenon of social life is extremely weak in the present-day environment. As a result, we have to deal with mechanistic law, which lags behind the actual development of society that has already entered a new evolutionary stage where mechanistic linear logic of the industrial era does not work.

Mechanistic law, its transition into a closed system, which exists and changes according to its own internal laws, became an historical fact of the industrial era.

In his recent policy book entitled “The Ecology of Law”<sup>11</sup> a prominent legal scholar Ugo Mattei together with his colleague Fritiof Carpa thoroughly examined this matter in the context of the Western legal tradition.

According to them, the current outcome of the evolution of law has become its adjustment to the laws of industrial economics: “The mechanistic trap promotes a vision of the legal system as an aggregate of pre-existing legal rules that abstractly bind everybody, both the weak and the strong. This ideology makes plain, law-abiding people think of law almost as if it were a set of instructions to assemble a potentially dangerous appliance. <...> It also reflects the notion of “mechanical jurisprudence,” in which the legal system is seen as a machine applying a hierarchy of norms to the concrete facts of a situation in a predictable and constant manner with no injection of creativity by an interpreter”<sup>12</sup>.

The problem of mechanistic application of law, to which the authors of the study refer as “a mechanistic trap” constitutes, in their opinion, one of the gravest

<sup>9</sup> Агарков М.М. Ценность частного права // Агарков М.М. Избранные труды по гражданскому праву в 2-х томах. Т. 1. М. 2002. С. 49. (M.M. Agarkov. Value of Private Law// M.M. Agarkov. Selected works on civil law in 2 volumes. V.1. M.2002. P.49)

<sup>10</sup> Ibid. p. 43

<sup>11</sup> Capra F., Mattei U. The Ecology of Law: Toward a Legal System in Tune with Nature and Community. Berrett-Koehler, 2013.

<sup>12</sup> Capra F., Mattei U. Op. Cit. P. 125.

<sup>7</sup> Stiglitz J. The Price of Inequality: How Today's Divided Society Endangers Our Future. W. W. Norton Company, 2012. P. 83

<sup>8</sup> Dworkin R. Justice for Hedgehogs. Harvard University Press, 2011. P. 353-354.

problems inherited by the modern legal science and legal life from the industrial era.

Enthusiasm for machines and mechanisms at the time of the 20th century's sweeping industrialisation brought about a relevant world outlook, which in many ways stripped law of the living principle and by so doing stripped law of any chance to effectively meet the key challenge of today – a new stage of industrial revolution.

**Lower adaptability of law** due to its mechanisation and transition into a closed system makes law poorly geared to present-day conditions. The new conditions caused by dynamic technological transformations are differently described by the academic science but the key factor that remains intact in the observations of most scholars is an unprecedentedly high speed and multidirectional nature of the on-going changes.

Zigmunt Bauman, one of the most reputable sociologists looking into these problems, in his book "Fluid Modernity" describes the state of humanity at its current development stage through the properties of liquid: "Liquids, unlike solids, cannot easily hold their shape. Fluids, so to speak, neither fix space nor bind time. While solids have clear spatial dimensions but neutralize the impact, and thus downgrade the significance, of time (effectively resist its flow or render it irrelevant), fluids do not keep to any shape for long and are constantly ready (and prone) to change it; and so for them it is the flow of time that counts, more than the space they happen to occupy: that space, after all, they fill but 'for a moment'. In a sense, solids cancel time; for liquids, on the contrary, it is mostly time that matters. When describing solids, one may ignore time altogether; in describing fluids, to leave time out of account would be a grievous mistake. Descriptions of fluids are all snapshots, and they need a date at the bottom of the picture. Fluids travel easily. They 'flow', 'spill', 'run out', 'splash', 'pour over', 'leak', 'flood', 'spray', 'drip', 'seep', 'ooze'; unlike solids, they are not easily stopped - they pass around some obstacles, dissolve some others and bore or soak their way through others still. From the meeting with solids they emerge unscathed, while the solids they have met, if they stay solid, are changed - get moist or drenched. The extraordinary mobility of fluids is what associates them with the idea of 'lightness' There are liquids which, cubic inch for cubic inch, are heavier than many solids, but we are inclined nonetheless to visualize them all as lighter, less 'weighty' than everything solid. We associate 'lightness' or 'weightlessness' with mobility and inconstancy: we know from practice that the lighter we travel the easier and faster we move. These are reasons to consider 'fluidity' or 'liquidity' as fitting metaphors when we wish to grasp the nature of the present, in many ways novel, phase in the history of modernity."<sup>13</sup>, – concludes Bauman.

<sup>13</sup> Бауман З. *Текучая современность*. СПб., 2008. С. 8. (Z.Bauman. *Fluid Modernity*, SPB, 2008, p.8)

What can we see when the fluid environment of the current state of modern society comes up against mechanistic law embedded in a solid form? It is obvious that this environment just bypasses such object without any significant impact of the latter thereon. Or should the obstacle be large, such solid object may block the movement of liquid, but as any dam it is able to do it only to a certain extent.

It seems extremely important to recognize the fundamental nature of such conflict between self-absorbed law and the social environment. It is not accidental that over a century ago when criticising the scholastic realism of legal concepts, German philosopher Oswald Spengler stressed: "The future calls for restructuring of the entire legal thinking on the analogy with advanced physics and advanced maths"<sup>14</sup>.

Today, humanity is faced with quite existential challenges: the current inequality level multiplied by the on-going changes related to the new industrial resolution brings up the issue of the survival of the existing state system.

For from being prepared to such challenges, we approach them armed with such means that hinder rather than help to overcome them.

In a recent report of the World Economy Forum "Out Shared Digital Future", the following point was singled out from among its key observations:

"Our existing institutions are struggling to respond effectively to the pace of change and its distributed nature"<sup>15</sup>.

The centuries-old legal system has today for the first time come up against the fundamental challenge to its ability to remain a functional mechanism for regulating and resolving fundamental social issues and controversies.

The situation described above and related to the necrosis of the legal matter due to its mechanisation and transition into a closed system is above all important for broader understanding of those options inherent in the legal system for overcoming growing inequality.

A lot of reforms now reviewed in debates about regulatory control over the digital economy lead to a still stronger mechanistic nature of law. In particular, one of the aspects broadly discussed at present is proposals to transfer the law making process into a machine-readable format, which allows a legal norm to be turned into something similar to a software algorithm.

In our opinion, such extreme interest in automation is not a commendable application of efforts to adapt law making

<sup>14</sup> Шпенглер О. *Закат Европы*. Т. 2. М., 1998. С.85-86. (O. Shpengler. *The Decline of the West*. V.2,M., pages 85-86)

<sup>15</sup> *Our Shared Digital Future: Building an Inclusive, Trustworthy and Sustainable Digital Society*, WEF Report, 2018, <https://www.weforum.org/reports/our-shared-digital-future-building-an-inclusive-trustworthy-and-sustainable-digital-society>

to the needs of the digital economy. Rather, this initiative is in the same vein with legal changes already made and related to the loss of feedback on complex turbulent processes that determine the state of today’s society.

When “living law” no longer exists, automated work to create and apply legal norms is just a logical stage in the development of a mechanistic attitude to law as a self-contained system of norms organised in a hierarchy.

Discussions on further automation of law draw us away from rather than bring us closer to the goals of adapting legal regulations to the actual needs of today’s phase of industrial revolution, which is described by fluidity, flexibility and unpredictability of changes.

Examining the operations of the mechanistic legal model in the West, U. Mattei and F. Carpa turn their attention to successful examples of productive work of legal institutions. These examples are characterised by a departure from beliefs that law is an operations manual for machines and mechanisms. The key element of this difference is the uncertainty factor set by the interpreter of law, i.e. a person that applies law.

In such examination, successful work of a well-tuned legal system seems more complex than Newtonian mechanics: “This state of things does not very much differ from the situation in quantum physics, where knowledge is only based on probabilities because the observer determines what he can observe. In the same sense, knowledge about law may only be probabilistic because we do not have accurate knowledge of what law constitutes at a specific point in time, except for a situation when law has been embedded in enabling legislation”<sup>16</sup>.

Russian legal scholar G.V.Maltsev focused on the problem of mechanistic interpretation of law in his work “Social Grounds for Law”. In particular, he points out that “a mechanistic, machine approach is on the whole shown in the way most legal problems are raised and solved”<sup>17</sup>.

The modern world, permeated with computer-aided and other new technologies, can no longer be described in the legal parlance based on classical rationalism.

In the view of the world taken by today’s law, such categories as “equation” and “necessity” are gradually put on the back burners, whereas the notions of “likelihood”, “probability” and “chance” prove to be increasingly relevant.

In fact, law is on the threshold of a systemic shift and

<sup>16</sup> Capra F., Mattei U. *Op. Cit.* P. 126.

<sup>17</sup> Мальцев Г.В. *Социальные основания права. М., 2011. С.70.* (G.V.Maltsev. *Social Grounds for Law. M., 2011, p.70*)

transformation: «Today lawyers are told that nature and society have never had and will never have any unalterable laws. Only time will tell how law makers and those who apply law will take this “welcome news” from today’s science, what conclusions they will draw”<sup>18</sup>.

The lawmaker's pervasive error in the digital era has become their desire to catch up with the on-going change by regulating everything new that catches their eye.

As a rule such regulation begins with the development of its basic vocabulary and rigid classification to help describe the new reality. Parliaments across the world are overwhelmed with heated debate over big data, digital platforms, social networks and AI. We can see that in our country too, discussions over the nature of crypto currencies and digital rights have become a significant element of discussions on regulatory control over the digital economy.

In Europe and the USA, vast resources of the academic community and law makers are involved in resolving matters of industry affiliation of some or other relationships – what bodies and areas of law should regulate social networks or the work of algorithms in e-commerce.

The fact that it is these questions that came to the forefront of discussions about legal regulation in the digital economy shows that the force of mechanistic tradition in understanding law is really great.

It can be often seen, especially in jurisdictions of Western countries, that such work on overall classification and prioritisation frequently covers one simple goal – to retain the status-quo without searching for answers to the “accursed issues” ranging from distribution of benefits and risks to the development of the digital economy.

## Quick Wins of Parliamentary Community

Going back to the inequality problem and its connection with target setting in law, one has to proceed from the fact that the substance of legal regulations is never confined to the natural laws of economic development.

Law cannot be devoid of the value dimension, it is not an exact science.

In the digital economy, society may be very different, and as evidenced in practice, its spontaneous development tends to result in growing inequality. Therefore, reconfiguration of legal regulation, its adjustment to the dynamic processes

<sup>18</sup> *Ibid.* P.71.

of digitalization do not rule out but, on the contrary, makes a certain teleological and value choice inevitable. This means that the policy of law should rely on certain ideals and be developed in unity with economic and social policies.

Just as a hundred years ago when humanity was faced with the challenges of fast track industrialisation, the current stage of industrial revolution also raises its own grave existential issues. Extreme inequality risks launching a spiral of even more radical social stratification, which is capable, in turn, of eliminating the remaining social solidarity in society.

The problem of “stiff” law, which, according to U. Mattei and F. Carpa, has fallen into a “mechanistic” trap and turned into a closed system of rules isolated from society rather than into an actual regulator of social relations, is very acute to all developing countries.

A serious approach to reforming the legal system due to the challenges of the digital economy should, in our opinion, first of all suggest a revival of the legal fibre, a connection of the goals and objectives of society development with legal regulatory mechanisms.

The most critical sphere of economic life at which the revival of the legal fibre should be aimed is the sphere of diffusion of knowledge and information.

According to Thomas Piketty, “over the long period of time, the main force in favor of greater equality has been the diffusion of knowledge and skills”<sup>19</sup>. At the same time, Piketty notes that all-round spread of knowledge and technologies, which promotes greater equality, very often comes under pressure from forces that oppose such spread: “The crucial fact is that no matter how potent a force the diffusion of knowledge and skills may be, especially in promoting convergence between countries, it can nevertheless be thwarted and overwhelmed by powerful forces pushing in the opposite direction, toward greater inequality”<sup>20</sup>.

**Greater access to knowledge and technologies, especially in developing countries is a powerful tool for overcoming inequality.** Therefore, this is the most important goal in adapting legal norms to the needs of the digital economy.

In a recent report prepared by a team of economists led by Dean Baker and Joseph Stiglitz, where they analyse the impact of the existing institution of intellectual property on the dynamics of world economic development, the authors conclude the following: “If the knowledge economy and the economy of ideas is to be a key part of the global economy and if static societies are to be transformed into ‘learning

societies’ that are key for growth and development, there is a desperate need to rethink the current regime and to allow for a much less restrictive flow of information and knowledge”<sup>21</sup>.

The practical implementation of this objective gives a special place to anti-trust regulation.

The author of the first anti-trust law in the world, which was given the eponymous name, is US senator John Sherman who caught the wave of the industrial revolution at the turn of the 20th century with his legislative initiative. Urging US Congress to pass his bill, he said: “Sir, now the people of the United States, as well as other countries are feeling the power and the grasp of these combinations, and are demanding of every Legislature and of Congress a remedy for this evil, only grown into huge proportions in recent times. They had monopolies and mortmains of old, but never before such giants as in our day. You must heed their appeal or be ready for the socialist, the communist and the nihilist”<sup>22</sup>.

Competition law is a special area of law placed between the spheres of private and public regulation. Historically, protection of competition was viewed as an objective of private law, which was caused by the need to limit various active forms of abuse of rights in economic life.

It has to do with such forms of civil rights abuse, which may influence the entire structure of economic life, which is actually represented by the competitive market conditions in capitalist society. Since such forms of abuse are fraught with high social danger, protection against them ceased to be an exclusive matter of private legal relations of market participants, who are, however, entitled to turn to court with a private law suit against monopolists or other persons who resort to wilful anti-competition misconduct. At the same time, the active role played by antimonopoly bodies entrusted by the government with competition protection transfers antitrust law to a position close to other public areas. This dual nature of anti-trust regulation is seen both in goals and in methods of legal enforcement.

**Flexibility** is the key distinctive feature of anti-trust regulation in all countries that passed relevant laws, but especially in those where the mechanism of anti-trust regulation was initially developed to ensure effective performance of the capitalist system.

<sup>19</sup> Piketty T. *Op. cit.* I P. 22

<sup>20</sup> *Ibid.*

<sup>21</sup> Baker D., Jayadev A., Stiglitz J. *Innovation, Intellectual Property, and Development: A Better Set of Approaches for the 21st Century. CEPR Report. 2017. P. 7. URL: <http://cepr.net/publications/reports/innovation-intellectual-property-and-development-a-better-set-of-approaches-for-the-21st-century>*

<sup>22</sup> *Congressional Records. 1896. Vol. 21.*

According to Ariel Ezrachi, “dynamism enables competition law to address a wide range of market and social realities, while retaining its conceptual core. As such it safeguards competition law from turning into a closed system, detached from domestic needs. It provides a reflection of the changing political landscape and forms part of the democratic process. In addition, the analytical elasticity allows enforcers to experiment with ranging levels of intervention, remedies, and enforcement tools”<sup>23</sup>.

Flexibility and focus on meeting key goals of keeping the market competitive and preventing excessive concentration of market power determine the specifics of the mechanism for application of antitrust laws.

Giuliano Amato, former prime-minister of Italy and one of the leaders of the European Constitution project, describes the nature of antitrust regulation as follows: “Antitrust law was, as we know, invented neither by the technicians of commercial law (though they became its first specialists) nor by economists themselves (though they supplied its most solid cultural background). It was instead desired by politicians and (in Europe) by scholars attentive to the pillars of the democratic systems, who saw it as an answer (if not “the” answer) to a crucial problem for democracy: the emergence from the company or firm, as an expression of the fundamental freedom of individuals, of the opposite phenomenon of private power; a power devoid of legitimation and dangerously capable of infringing not just the economic freedom of other private individuals, but also the balance of public decisions exposed to its domineering strength”<sup>24</sup>.

The OECD paper “Inequality: A Hidden Cost of Market Power” showed the fallacy of the view that competition policy should distance itself from the problem of wealth concentration and distribution<sup>25</sup>.

Experts assess the underestimation of the potential role of competition policy in ensuring equality as “a most disquieting flaw” as the policy of competition protection is the most effective mechanism for fighting inequality compared to other alternative legal mechanisms (e.g. such as taxation).

From the very first days of antitrust law emerging on the wave of the US industrial revolution in the late

<sup>23</sup> Ezrachi A. *Sponge // Journal of Antitrust Enforcement*. 2017. № 5. P.67.

<sup>24</sup> Amato G. *Antitrust and the Bounds of Power*. Oxford, 1997. P. 2.

<sup>25</sup> *Inequality: A Hidden Cost of Market Power*. Ennis, S. et al. OECD, 2017. URL : <http://www.oecd.org/daf/competition/inequality-a-hidden-cost-of-market-power.htm>

19th century, it was aimed in its substance at balancing the capitalist system in order to remove social and economic tensions that were inevitably emerging against the background of dynamic growth and sweeping transformations.

It was clear that such large-scale goals call for legislative solutions. In order to turn into an effective tool for control over economic and political power of present day oligopolies, competition protection measures require that the existing legal tools should be adjusted to the specifics of the digital economy. According to Joseph Stiglitz: “The changes in our economy and our understandings of the interplay between economics and politics necessitates a broader reach for competition policy than envisaged by the original advocates of antitrust law, and that this is especially so in developing countries and emerging markets”<sup>26</sup>.

Competition law makes it possible for even small economies to influence the global processes of economic life in the new technological paradigm.

This has several reasons.

▶ First, competition is a universally acknowledged value of the capitalist economy. All leading world systems recognize its importance and allow for various forms of market intervention to protect competition. Also, the principle of competition protection is central to a whole range of key international agreements. For example, the Agreement on Trade Related Aspects of Intellectual Property Rights within the WTO directly provides for national states to limit the rights of intellectual property in order to protect competition.

▶ Second, the range of tools for competition protection is very broad and well suited to solving key objectives of fixing “bottlenecks” of the global digital economy, namely, ensuring access to the key elements of global infrastructure of the digital economy –above all to knowledge and information.

▶ Third, competition law is quite receptive to international cooperation. High degree of unification across the world makes it possible for various countries, especially those at similar development stages, to apply concerted measures of antitrust policy.

Competition law is a unique mechanism of the regulatory impact of small and medium-sized economies on global economic processes unfolding in the digital economy.

<sup>26</sup> Stiglitz J. *Towards A Broader View of Competition Policy // Roosevelt Institute Working Paper*. June 2017. URL: <http://rooseveltinstitute.org/towards-broader-view-competition-policy/>

## The mechanism of antitrust regulation has a broad range of useful qualities

▶ This is an internationally acknowledged method for fixing weaknesses of economic life, which allows rights, including intellectual rights of main participants to be restricted in a civilized manner for new participants from developing countries to enter markets.

▶ Competition law adaptability to international exchange of legislative and legal practices strongly improves the effectiveness of its application. For instance, if BRICS countries or those of other blocs of emerging economies take coordinated decisions on global monopolists, such decisions will be impossible to ignore.

▶ Unlike positive regulation aimed at the establishment of rules, competition law is a flexible instrument of responding to problems and “bottlenecks” in economic development.

These special features add more regulatory impact on global economic processes to countries that otherwise carry very little weight in the world economy or in its individual industries and are unable for this reason to set effective global market rules. And this impact is important to them.

In the context of the new technological paradigm, antitrust regulation is designed above all to remove barriers to entering new markets and ensure broader access to key technologies and knowledge.

**Forward-looking law making initiatives in the digital economy are those that make legal systems more flexible and adaptive.**

It is the revival of law, its greater fluidity that should be aspired by law makers in developing countries willing to make their economics competitive in the 21st century.

## Human centric approach to law makers' agenda

In confronting growing global instability and inequality, solutions that strengthen the role and protection of human rights in the digital economy may be among the quick wins of parliaments in our countries.

Humans should be provided with greater opportunities for self-fulfilment in the context of growing “power of machines” and the power of those who mostly benefit from the new economy – digital monopolies and owners of key technologies.

Stronger legal positions of human beings, new opportunities provided thereto should become the basis for goal setting by parliaments across the world. What does that mean in practice?

▶ First, it is **human centric reformatting of the global regime of intellectual property protection** – the interests of man as a consumer of knowledge and information should become more important than those of corporations, which generate revenue from the realms of accumulated knowledge they control.

▶ Second, it is **creation of an open data system**, which allows the general public to use maximum data volumes, with due personal data protection, by ensuring that a broad range of participants in economic relations are provided access thereto. It is data that is key for development in the digital economy. Open access to data, especially to data accumulated when providing various socially important services to people, should be among legislative priorities. This issue is also closely related to the development of such key technology of the digital economy as AI.

▶ Third, these are **problems of ethical development of technologies** – defining key ethical boundaries which we cannot surrender for the sake of technological breakthroughs, setting a value matrix centred on humans and their fundamental rights and freedoms. This value framework for technological development is especially important for the development of AI technologies – for such situations where we knowingly provide machines with some scope of decision-making. Parliaments are those institutions that are directly responsible for setting this value framework for social development. Should parliaments fail to cope with this objective, leading digital corporations will start developing ethics of machine operations, which often implies minimal consideration of the interests of popular majority that entrusted parliaments rather than global business with political solutions.

▶ Finally, it is **establishment of an effective global regime for the protection of fair and equitable competition in the digital economy**. Today such legal regulation does not exist at the global level. Inter-parliamentary cooperation may make its important and practical contribution to the resolution of this large-scale objective in the interests of sustainable social and economic development in the digital era.





***SECTION***

**INTER-  
PARLIAMMENTARY  
COOPERATION:  
PRINCIPLES, TRENDS,  
INSTITUTIONS**





## SECTION III.

# INTER-PARLIAMENTARY COOPERATION: PRINCIPLES, TRENDS, INSTITUTIONS

### Main Development Trends of Inter-Parliamentary Cooperation Institutions

One of the world development trends is growth of the number of inter-parliamentary institutions (IPI) and strengthening of their role in international relations.

By the beginning of 2010s, the IPI number exceeded 120<sup>1</sup>, foundations for parliamentarization of international organizations of other types emerged due to uptake of parliamentary practices of making compromise decisions with respect to all parties' rights<sup>2</sup>.

## IPI Development Historical Factors

**The main factors of IPI rise and development in the 20th-21st centuries** were historical waves of democratization involving distribution of parliamentary institutions at the national level, as well as development of regionalism and enhancement of regional integration requiring coordination of multidimensional integration processes through parliaments.

However, work of many of such IPIs is limited to consulting

Parliamentary dimension became an integral component of most regional integration associations.

function<sup>3</sup>.

Attempts of certain centers of power to obstruct the

The new phase of IPI development is determined by the need in a multilateral equitable dialogue on key issues of the international agenda at the background of a polycentric world establishment.

objective movement towards multi-polarity, to retain their shrinking superiority and maintain the global inequality

<sup>1</sup> Vinogradova A.A. *Inter-Parliamentary Institutions: Development Dynamics* / A.A.Vinogradova // *Scientific-Analytical Journal Observer*. - 2012. - No. 12 (275). P. 75-92.

<sup>2</sup> Vinogradova A.A. *Inter-Parliamentary Institutions: Criteria, Classifications, Comparative Analysis* / A.A. Vinogradova // *Comparative Politics*. - 2011. - V. 2. No. 4 (6). P. 3-12.

<sup>3</sup> Rocabert J., Schimmelfennig F., Crasnic L., Winzen T. *The rise of international parliamentary institutions: Purpose and legitimation* / J.Rocabert, F.Schimmelfennig, L.Crasnic, T.Winzen // *The Review of International Organizations*. - 2018. - November. p.1-25 p.

give rise to the growth of instability and conflict potential in the world.

Parliamentarians acting as direct representatives of

Institutions of inter-parliamentary cooperation are to provide an additional channel for inclusive interstate dialogue, to contribute to strengthening of trust, reduction of confrontation, promotion of a constructive and unifying agenda.

their electors put into action the **demand for the world politics democratization and enhancement of the global management transparency**.

It is essential that the global demand is formed on the basis of an equitable and democratic inter-parliamentary dialogue. If an IPI practices block approaches with no guarantee for national delegations' sovereign rights, such institution will inevitably lose its quality as a universal dialogue venue.

The demand for the inter-parliamentary dialogue infrastructure determines development of **new flexible international parliamentary formats** capable of supporting the unification agenda.

**Example: Meeting of Speakers of Eurasian Countries' Parliaments.**



**The Meeting of Speakers of Eurasian Countries' Parliaments** is established on the initiative of the National Assembly of the Republic of Korea and the State Duma of the Federal Assembly of the Russian Federation.

The first Meeting of Speakers took place in Moscow on April 19-20, 2016. It was attended by delegations from 19 countries. The Meeting subject was: "Inter-Parliamentary Cooperation for Joint Prosperity of Eurasian Countries in the 21st Century".

The second Meeting of Speakers took place in Seoul on June 26-28, 2017. 28 states were represented at the meeting. The Meeting subject was: "Development of Inter-Parliamentary Cooperation for the Benefit of the Joint Prosperity of the Eurasian Regional Countries".

The third Meeting of Speakers of Eurasian Countries' Parliaments was held in Antalya on October 8-11, 2018. Representatives of more than 40 countries took part in it, including 26 Speakers of National Parliaments, The subject was: "Economic Cooperation, Environment, and Sustainable Development in Eurasia".

The fourth Meeting will take place in Nur-Sultan on September 23-24, 2019. The invitation to participate in the Meeting has been sent to 84 countries and 60 of them have already accepted it. 27 states will be represented at the level of speakers. 16 international organizations have confirmed their participation.

## Expansion of the Inter-Parliamentary Cooperation Agenda

A tendency for **expansion of the IPI work agenda** is observed in the world today. The high tempo of changes and aggravation of new challenges and threats requires intensive international coordination of legislative work, harmonization of national law, joint elaboration of unified international standards and model legislation.

Combating the international terrorism, extremism, organized crime, regulating migration, enhancing cyber security, counteracting "fake news", developing the general approach to digital business legal regulation, ensuring sustainable development, overcoming inequality, strengthening of trust and reducing the conflict potential are becoming the **key topics** in the work of most IPIs.

Demand for a more substantive discussion of the key topics of the inter-parliamentary cooperation agenda, departure from exchange of declarations for the benefit of sharing practical legislative experience and elaborating unified approaches.

For the purpose of such focused work, **special thematic international parliament conferences**, such as the Regional Conference of Parliament Leaders on Matters of Combating Terrorism and Interregional Interaction and International conference "Parliamentarians against Drugs"

are regularly held. Within the structure of some IPIs, **specialized bodies** are being created, in particular, the ASEAN Inter-Parliamentary Assembly Advisory Council on Dangerous Drugs.

## IPI Institutionalization

The **main vector** of inter-parliamentary organizations **development** depends on the ongoing process of their **institutionalization, formation of a mature organizational structure** including the permanent secretariat, specialized committees, task forces and other bodies, and formation of their own international legal base.

## Expansion of interaction with international organizations, Non-Governmental Organizations, and the expert community

**Expansion of interaction with intergovernmental organizations** is an important IPI development trend. The Inter-Parliamentary Union, which is becoming the UN meaningful parliamentary dimension, is playing the leading role in this process.

The UN role is also increasing in the work of most non-governmental specialized IPIs including the Global Legislators' Organization for a Balanced Environment (GLOBE) and European Parliamentary Forum on Population and Development (EPF).

**Collaboration between different types of IPIs** is noticeably intensifying, **IPIs role in organization of inter-religious and inter-civilizational dialogue** is growing. An important step in this area was execution of collaboration agreements between the Inter-Parliamentary Assembly on Orthodoxy (IAO) and Organization of Islamic Cooperation in 2005, and between IAO and the Pan-African Parliament in 2007.

One of the key trends of inter-parliamentary cooperation is enhancing **interaction with the scientific and expert community** and the civil society structures.

Development of a common vision, strategies, and approaches to legal regulation of complex modern legal relations, understanding of the main vectors of the social and economic and technological transformation of the world are impossible without the system-based common work of legislators and the scientific and expert community.

## Interaction with the Youth

A special emphasis in the IPIs activities is placed on involvement of youth in the parliamentary work.

The Inter-Parliamentary Union performs monitoring of the youth participation in the work of parliaments: in 2018, persons under 45 years of age constituted 2% of the world parliamentarians.

The IPU Forum of Young Parliamentarians has been operating since 2013, and in 2018, provisions encouraging inclusion of young parliamentarians in national delegations at the IPU assemblies were adopted<sup>4</sup>.

Various formats of interaction with the young generation have been actively developing at the regional level as well, in particular, a permanent consulting body – Youth Inter-Parliament Assembly – was established under the CIS IPI in 2012<sup>5</sup>.

## IPI Functions Expansion

IPI functionality and work formats are expanding due to more and more active use of instruments of **parliament control**, support given to campaigns for execution and ratification of key international agreements.

Concept of **monitoring of the condition of democracy and elections** has gained considerable momentum in many IPIs. In some organizations, specialized bodies for such activities have been created, in particular, the International Institute for Monitoring of Development of Democracy, Parliamentarism, and Observation of Rights of Citizens of CIS IPI Participant States (CIS IPI IIMDD) with a network of branches in Baku, Yerevan, Bishkek, and Kishinev<sup>6</sup>.

## Digitalization

**Digitalization of Parliaments and IPIs** opens up possibilities for considerable enhancement of the inter-parliamentary cooperation efficiency. In 2018, under the IPU, a special Center for Innovation in Parliament for coordination of parliament work digitalization was established<sup>7</sup>.

<sup>4</sup> Youth participation in national parliaments: 2018. IPU Report, 2018. URL: <https://www.ipu.org/file/6076/download?token=7Aog71dH> p.3-6.

<sup>5</sup> Provision on the Youth Inter-Parliament Assembly of the Member States of the Commonwealth of Independent States. 2012. URL: [http://iacis.ru/upload/iblock/a61/k-p.2\\_polozhenie-mmppa-sng.pdf](http://iacis.ru/upload/iblock/a61/k-p.2_polozhenie-mmppa-sng.pdf)

<sup>6</sup> Zhouk D.Y. Parliament Diplomacy in International Organizations' Activities / D.Y. Zhouk // Dialogue: Politics, Law, Economics. - 2017. - No. 3 (6). p. 21-30.

<sup>7</sup> IPU Annual Report 2018/2019. URL: <https://www.ipu.org/file/6585/download?token=i8OE6E2>

On resolution of the second Meeting of Speakers of Eurasian Countries' Parliaments (June 26-28, 2017, Seoul), it is planned to establish the Meeting Cyber Secretariat to secure its current operation as a digital platform for exchange of law project experience in the key spheres of legal regulation.

IPIs development in 2000-2010s allows to predict **their role in further strengthening of international relations and expansion of their functions in global management**, greater significance of their rule-making, supervisory, peace-making, communicational and educational activities.

## Inter-Parliamentary Cooperation Challenges and Constraints. Solutions.

Despite the dynamic institutional development in the modern world, international parliamentary cooperation is still subject to a number of **constraints**.

## Limited authorities and institutional weakness

The basic problem is **the limited authorities of IPIs as the subjects of global management**.

For example, most parliamentary assemblies under regional integration associations perform exclusively advisory functions:

- ▶ IPIs, except the European Parliament, East African Legislative Assembly of the East African Community, and the Parliament Assembly of the Union State of Russia and Belarus, have no lawmaking or control functions;
- ▶ The right to an answer to legislative proposals is only vested in the Central American Parliament (CAP) and Mercosur Parliament;
- ▶ Only 20% of IPIs can participate in the appointment of such organizations management, with only the European Parliament and the CAP having the right of veto in such matter;
- ▶ In case of amending such organizations founding treaties, only 6 IPIs' opinion is taken into consideration<sup>8</sup>.

<sup>8</sup> Rocabert J., Schimmelfennig F., Crasnic L., Winzen T. The rise of international parliamentary institutions: Purpose and legitimation / J.Rocabert, F.Schimmelfennig, L.Crasnic, T.Winzen // The Review of International Organizations. - 2018. - November. 1-25 p.

## The problem of IPIs' limited authorities can be solved using the following measures:

- ▶ Enhancement of efficiency of interaction with intergovernmental organizations and UN institutions, non-governmental organizations, scientific and expert community, and civil society institutes;
- ▶ Better coordination of work on inter-parliamentary venues;
- ▶ Creation of monitoring mechanisms for controlling IPI resolutions implementation;
- ▶ Strengthening the IPI institutional structure through development of specialized permanent bodies;
- ▶ Strengthening of the parliaments' role at the national level, fuller use of legislative and control authorities for implementation of concerted decisions in the sphere of legal regulation and international treaties ratification.

## Inter-Parliamentary Venues Politicization

**Politicization of the work of international inter-parliamentary venues, block approach, discrimination of national delegations and violation of the equitable dialogue principle** constitute another, more serious challenge limiting the inter-parliament cooperation efficacy.

The most resonant example of such practice is the systematic **violations of rights of the Russian delegation in PACE** committed since 2014 in breach of the Statute of the Council of Europe. Since 2014, Russia has been denied the voting right, the right of representation in the Assembly Bureau, Presidential Committee and Standing Committee, the right to participate in election observation missions<sup>9</sup>. Since 2015, Russian parliamentarians have been denied the right to act as rapporteurs, the right to participate in the special election control commission, the right to represent PACE before external institutions and organizations<sup>10</sup>.

<sup>9</sup> PACE Resolution 1990 (2014) *Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation*, paragraph 15. URL: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20882&lang=en>

<sup>10</sup> PACE Resolution 2034 (2015) *Challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation* paragraph 14. URL: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21538&lang=en>

The policy of discrimination of Russia has resulted in the PACE financial and institutional crisis.

The Russian delegation members entered into illegal foreign sanction lists, including Chairman of the 4th State Duma S. E. Naryshkin, were also denied visas for participation in the work of sessions of the Parliament Assembly of OSCE. In particular, in 2015, the Russian delegation did not participate for this reason in the annual summer session of the Parliament Assembly of OSCE in Helsinki. Earlier, during the winter session, the Parliament Assembly of OSCE also refused to recognize the authorities of the Russian Delegation member from the Federation Council O. F. Kovitidy who represented the Republic of Crimea<sup>11</sup>.

The necessity of collective response to such practice has become obvious to the whole inter-parliamentary community.

In 2018, the 139th Assembly of the IPU passed a historical collegial resolution on inadmissibility of sanctions against parliamentarians<sup>12</sup>.

At the venues of PACE and the Parliament Assembly of OSCE, organized groups of some countries' deputies have made numerous attempts of anti-Russian **political provocations and demarches** interfering with parliamentarians' constructive work; **unjustified resolutions** containing unsubstantiated accusations of Russia and denying basic rights and freedoms of the Crimean people have been passed. Examples of such destructive politicization have caused serious reputational damage to certain IPIs and stimulated development of alternative formats of inter-parliamentary dialogue.

**Political disagreements and aggravation of confrontation between the member states can also result in reduction of parliament delegations' participation in IPIs work.** Thus, almost half of member states did not send delegations to the meeting of the permanent committee for political issues of the Asian Parliament Assembly in Gwadar (Pakistan) in October 2018: only 26 member states out of 42 were represented.

Under such conditions, it is essentially important to support the general unifying agenda at all international parliament venues, to develop the dialogue in order to find compromise on all issues causing disagreement.

<sup>11</sup> *Statement on the rejection of Russia's designation of Olga Kovitidi as a Member of the OSCE Parliamentary Assembly*. OSCE PA, 2015. URL: <https://www.osce.org/pa/141421>

<sup>12</sup> *Summary records of the IPU Governing Council 203rd session. 15 and 18 October 2018, Geneva (Centre international de Conférences Genève)*. URL: [https://www.ipu.org/sites/default/files/documents/gc\\_summary\\_report-en.pdf](https://www.ipu.org/sites/default/files/documents/gc_summary_report-en.pdf) p.15.

To exclude risks of inter-parliamentary venues politicization, it is necessary **to enshrine guarantees of all national delegations' equal participation in the their work in such venues' regulations and IPI constituent documents, any arbitrary restrictive requirements to parliament delegations accreditation must be abrogated, and there must be restrictions on abuse and political provocations.**

The IPU approach regarding **inadmissibility of sanctions against parliamentarians** must be supported by all international parliamentary organizations.

## Deficit of Interaction with the Expert Community and Transparency

Many international parliamentary organizations still do not sufficiently use in their work possibilities of interaction with the expert community and do not pay any serious attention to informational support of their activities, facilitation of access of all member states citizens to related informational materials. Such omissions considerably impair effectiveness if IPIs' work.

It is necessary to develop new formats of international parliamentary conferences and forums with participation of leading world experts, to improve the IPI collaboration with scientific expert centers, to involve, on a regular basis,

expert and scientists in the performance of work of inter-parliamentary organizations' specialized bodies.

It is necessary to make efforts for maximum **utilization of the potential of digitalization for settlement of the strategic task of making inter-parliamentary institutions closer to citizens and their needs, ensuring interactive communication** and comprehensive and efficient coverage of IPI work.

## Limited Financing

Many IPIs face the problem of insufficient financing where its only source is the member countries' contributions. It is important to attract additional sources of financing.

On the IPI platform, a discussion of models and sources of additional financing for various inter-parliamentary institutions can be initiated, with digital financial assets possibly considered as one of such potential sources.

Problems interfering with the development of inter-parliamentary cooperation are solvable, but require **a system-based international interaction of parliamentarians, enhancement of the IPIs performance level, and elaboration of a unified strategy of international parliamentarism development.**





# ***ROUND TABLE***





**ROLE  
OF LEGAL  
REGULATION  
IN THE POVERTY  
AND INEQUALITY  
REDUCTION**

## ROUND TABLE: ROLE OF LEGAL REGULATION IN THE POVERTY AND INEQUALITY REDUCTION

Combating poverty and inequality is one of the main priorities of international cooperation and domestic policy of most countries in the world. This complex task can only be achieved through inclusive economic growth, based on all the three components of sustainable development: economic, social and environmental.

### International Benchmarks in Combating Poverty and Inequality

At the international level the norms and principles of social policy aimed at overcoming poverty and inequality were consolidated in the Universal Declaration of Human Rights (1948, articles 22-26), the International Covenant on Economic, Social and Cultural Rights (1966, articles 9-13), the Convention on the Elimination of All Forms of Discrimination against Women (1977, articles 11 and 14), the Convention on the Rights of the Child (1989, articles 24-28), the Convention on the Rights of Persons with Disabilities (2006, art. 28), the ILO Social Security Convention No. 102 (Minimum Standards) (1952), the ILO Social Protection Floors Recommendation (№202, 2012).

A number of **global and regional initiatives** to combat poverty and inequality exist: the Istanbul Declaration and Program of Action for the Least Developed Countries (2011), the Small Islands Developing States (SIDS) Accelerated Modalities of Action – SAMOA Pathway (2014), the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014–2024 (2014), the Addis Ababa Action Agenda on Financing for Development (2015), the African Union’s Agenda 2063 (2015) and the New Partnership for Africa’s Development (NEPAD) (2001).

A single global approach to overcoming the problem of poverty and inequality is set forth in the UNGA Resolution 70/1 of 2015, which approved **the 2030 Agenda for Sustainable Development**, including 17 sustainable development goals (SDGs) and 169 targets<sup>1</sup>.

The 2030 Agenda is based on ensuring inclusive and sustainable economic growth, full and productive employment and decent work for all categories of citizens.

Tasks have been set to maintain GDP growth at the level not less than 7% in the least developed countries, strive to increase labor productivity through diversification, modernization and innovation, support for micro, small and medium enterprises, sustainable tourism, to promote inclusive industrialization and increase employment in industry and the share of industrial production in GDP, to expand access to information and communication

technologies and intensify scientific research, to boost the technological potential of the industrial sector through fostering innovation and increasing research and development spending.

An important component of these tasks is solving the problem of unemployment and informal employment.

There are **172 million (5%) unemployed in the world, 2 billion workers (61%) are employed in the informal sector**. More than a quarter of workers in low- and middle-income countries live in poverty<sup>2</sup>.

There are **164 million migrant workers** and 234 million migrants of working age<sup>3</sup> in the world. The problem of receiving social payments by migrants from the country of their origin in the host country remains. Most international agreements on this issue ensure contributory pensions payment, less often – payments by health insurance programs and, very rarely, social payments financed from the budget<sup>4</sup>.

By 2030 countries need to adopt appropriate **fiscal, wage and social protection policies** to ensure and support the income growth of the least well-off 40% of the population at a level above the national average, and also introduce social protection measures that ensure equal rights on economic resources, access to basic services and new technologies, land ownership and other forms of ownership.

<sup>2</sup> *World Employment and Social Outlook: Trends*. Geneva. ILO, 2019. URL: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_670542.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_670542.pdf)

<sup>3</sup> *LO Global Estimates on International Migrant Workers*. 2018. URL: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_652001.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_652001.pdf)

<sup>4</sup> *Promoting Inclusion Through Social Protection. Report on the World Social Situation 2018*. UN. URL: <https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2018/07/1-1.pdf>

<sup>1</sup> *UNGA Resolution 70/1. Transforming our world: the 2030 Agenda for Sustainable Development*. 09/25/2015. URL: <https://undocs.org/ru/A/RES/70/1>

It is recommended to ensure equality of opportunities, eliminate discriminatory laws, and by 2030 to ensure universal access to affordable housing, utilities, public transport. The task of expanding the use of financial services is emphasized – only 35% of adults in low-income countries have accounts at banks and other financial institutions.

Improvement of migration policy and the introduction of measures to **support migrants** are also foreseen – by 2030 it is required to **reduce** the operational **costs** associated with **transferring money by migrants to less than 3%** of the amount transferred.

The SDGs also include the provision of inclusive quality **education** with the possibility of lifelong learning, ensuring gender equality, increasing the number of people with relevant skills for employment and entrepreneurship, reducing the share of unemployed youth<sup>5</sup>.

As of 2016, at the global level **70% of children** from the relevant age group **participated in primary education programs**. The lowest rates were in **sub-Saharan Africa - 41%**, as well as in **Northern Africa and Western Asia - 52%**.

617 million or 58% of children of primary and secondary school age worldwide did not have an elementary level of reading and math skills. Only 71% of primary school teachers in Southern Asia and 61% in sub-Saharan Africa had the necessary training<sup>5</sup>.

The SDGs presuppose **universal health coverage**, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable medicines and vaccines; early warning and reduction of national and global health risks; increased health financing and increased training of the health workforce in developing countries; combating epidemics, reduce by one third premature mortality from non-communicable diseases<sup>6</sup>.

Healthcare problems obstruct seriously the development of human capital in many developing countries. 45% of all countries and 90% of the least developed suffer from a shortage of medical workers<sup>7</sup>.

In 2000–2011 about a quarter of the economic growth in low- and middle-income countries was due to improved public health.

<sup>5</sup> The Sustainable Development Goals Report 2018. UN. URL: <https://unstats.un.org/sdgs/files/report/2018/TheSustainableDevelopmentGoalsReport2018-EN.pdf>

<sup>6</sup> UNGA Resolution 70/1. Ibid.

<sup>7</sup> The Sustainable Development Goals Report 2018. Ibid.

The healthcare sector is also an important source of employment, especially for women, who constitute 70% of its employees<sup>8</sup>.

Special attention in the framework of the SDGs is paid to **the provision of favorable environmental conditions**, including combating air pollution and household and industrial waste accumulation.

In 2016, half of the world's urban population experienced air pollution, exceeding WHO standards by 2.5 times or more, 7 million died as a result of related diseases<sup>9</sup>.

Globally **development of agriculture** is also an important policy direction in overcoming poverty and inequality.

By 2030 it is planned to double its productivity and incomes of small-scale food producers by ensuring guaranteed and equal access to land and other productive resources, reducing the global amount of food waste and food loss in production and sales chains.

It is planned to strengthen the potential of developing countries in the field of agriculture through attraction of technology and investment, liberalization of international trade in agricultural products<sup>10</sup>. It is required to solve the problem of small farmers in the conditions of their predicted mass exodus from agriculture<sup>11</sup>.

## Social Policy Mechanisms for Poverty Reduction

At the national level, the main focus of combating poverty and inequality is the improvement of social policy mechanisms.

### Priority Areas of Social Policy:

- ▶ protection of childhood and motherhood,
- ▶ support for youth employment,
- ▶ social security for senior citizens,
- ▶ development of education and health care.

<sup>8</sup> Report of the UN Secretary General. Implementation of the Third United Nations Decade for the Eradication of Poverty (2018–2027). 06.08.2018. URL: <https://undocs.org/en/A/73/298>

<sup>9</sup> World Health Statistics 2018. Monitoring Health for the SDGs. WHO. URL: <https://apps.who.int/iris/bitstream/handle/10665/272596/9789241565585-eng.pdf?ua=1> p.10.

<sup>10</sup> UNGA Resolution 70/1. Ibid.

<sup>11</sup> Report of the UN Secretary General. Implementation of the Third United Nations Decade for the Eradication of Poverty (2018–2027). Ibid.

## Family Support

117 of 186 countries provide relevant social benefits<sup>12</sup>. The highest coverage is reached in Europe – 93%, where most countries make universal payments from the budget, combined with additional targeted payments for the poorest families.

On average, globally family support programs (excluding medical expenses) are financed in the amount of only 1.1% of GDP: in Southern Asia - 0.2%, in Western Europe - 2.3% of GDP.

In France, Austria and the Federal Republic of Germany such payments are available for low-income families, families with young children or non-working parents.

The largest payments for families with one child are provided in Hungary, Ireland and Luxembourg, where they can reach 105% of the average salary. In Latin America this figure makes 64%, in the APR – 28%, in Africa – 16%<sup>13</sup>. High coverage was achieved through child support programs in Argentina, Mongolia and South Africa.

## Youth Employment Support

The main task of social policy regarding youth is overcoming unemployment and increasing social protection of young people.

Youth unemployment is 3 times higher than among older age groups – 13%. 73 million young people are out of work, 500 million spend less than \$ 2 a day.

Allowance for unemployed first-time job seekers is available only in 20 countries out of 201.

Young workers are concentrated in vulnerable sectors of the labor market. Due to the short length of job experience related to informal employment, they are limited in their access to the social insurance system.

In Austria, Portugal and Slovenia, minimum job experience requirements have been reduced to attract young workers.

<sup>12</sup> *World Social Protection Report 2017-2019: Universal Social Protection to Achieve the Sustainable Development Goals*. ILO. URL: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_604882.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_604882.pdf)

<sup>13</sup> *Promoting Inclusion Through Social Protection. Report on the World Social Situation 2018*. UN. Ibid.

In 82 of the 98 countries providing unemployment allowance there is a contributory social insurance system – most European countries require insurance payments for 4-24 months<sup>14</sup>.

In New Zealand a support program is available for all citizens over the age of 18, regardless of job experience, and people aged 16-17 can receive payments if they do not live with their parents or have no financial support or have children dependent on them<sup>15</sup>.

## Pension Provision

Social protection of senior citizens is one of the most topical global problems.

**By 2050 a doubling of the number of people over 60 is predicted.**

This leads to a gradual increase of the retirement age in most countries.

**More than half of social spending in the world, with the exception of health care, accounts for old-age pensions. The highest funding for pensions is in Western, Northern and Southern Europe – 10.7% of GDP, the smallest in South-Eastern Asia – 1.4%. Only 26% of older people receive pensions in Central and Southern Asia and 23% in sub-Saharan Africa<sup>16</sup>**

In all regions of the world, despite the longer life expectancy, women are less covered by pension payments, on average by 11%. **65% of older people worldwide without a pension are women<sup>17</sup>.**

<sup>14</sup> *World Social Protection Report 2014/15: Building Economic Recovery, Inclusive Development and Social Justice*. Geneva: ILO. URL: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_245201.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_245201.pdf)

<sup>15</sup> *Promoting Inclusion Through Social Protection. Report on the World Social Situation 2018*. UN. Ibid.

<sup>16</sup> *Promoting Inclusion Through Social Protection. Report on the World Social Situation 2018*. UN. Ibid.

<sup>17</sup> *Women at Work. Trends 2016*. Geneva: ILO. URL: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_457317.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_457317.pdf)

In 72 of the 186 countries only insurance pensions are paid, in 102 there is a mixed system, in 12 only old-age payments are paid.

In Europe and North America, 87–100% of workers make insurance payments, in sub-Saharan Africa – 9%, in Southern Asia – 14%. The reason for the low rates is **high share of informal employment** and evasion of insurance payments. In Asian countries, pensions are mainly provided for civil servants, military and law enforcement agencies officials<sup>18</sup>. In some countries (India, Philippines, Zambia), the calculation of pensions is based on household income.

**The pensions replacement rate in OECD countries averages 63%**, in Latin American countries – 66%, and **in Africa – 12%**. Among developed countries, there is also a significant variation of the replacement rate for certain categories of workers. Thus, for low-paid workers, it's 100% in Denmark and the Netherlands, 75% in the UK and Japan<sup>19</sup>.

In 2017 Japan reduced job experience requirements for receiving pensions from 25 to 10 years. In 2016 the UK moved from a two-level to a single-level pension calculation

An important global trend of recent years is increasing the minimum level of payments and coverage of pension programs.

system in the interests of low-wage workers. In 2014 South Korea doubled the minimum pension. In 2000–2013 18 countries in Latin America carried out reforms to increase pension coverage for poor citizens<sup>20</sup>.

**Pension payments play an important role in economic development.** In the United States in 2014, they gave a positive economic effect of \$ 1.2 trillion (\$ 2.21 per each invested dollar) and allowed to support 7 million jobs<sup>21</sup>.

In the conditions of the world economy transition to a new technological order, a significant change in the demographic parameters of most countries in the world and expansion of international labor migration, **the instruments of sustainable development management aimed at improving social protection, education, health care and environmental protection systems are of paramount importance.**

<sup>18</sup> *Promoting Inclusion Through Social Protection. Report on the World Social Situation 2018. UN. Ibid.*

<sup>19</sup> *Promoting Inclusion Through Social Protection. Report on the World Social Situation 2018. UN. Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> *World Social Protection Report 2017-2019. Ibid.*

## Social Protection System

Social policy is of key importance in solving the problems of overcoming poverty and inequality, realizing economic and social rights of all citizens. However, the development of social protection systems in various countries around the world, despite the general trend towards an increase in social spending, remains extremely uneven.

**4 billion people worldwide are completely deprived of social protection.**

At least one allowance within the framework of social protection is provided for only 45.2% of the world's population, and **only 29% enjoy comprehensive social protection.**

There are large disparities in the regions: more than **80% of the population of Africa and 61% of the population of the Asia-Pacific region have no social protection** compared to 32% in North and South America and 16% in Europe and Central Asia.

Social protection systems are designed not only to save people from poverty, but also to prevent them from returning to poverty and reduce their vulnerability within the whole life.

In developing countries they reduce poverty by half<sup>22</sup>. In case of absence of income redistribution through social protection programs the number of people living in extreme poverty would have increased by 136–165 million.

According to UN estimates, there is a long overdue need for expanding the social protection system to facilitate access to health care, education, and decent employment.

It is noted that **targeted payment programs**, introduced instead of universal ones, require a high level of administrative efficiency and **demonstrate ambiguous results** in many countries. They are **recommended as a supplement, but not a replacement for universal ones.**

### Factors Increasing the Effectiveness of Social Policy:

- ▶ anti-corruption;
- ▶ improving labor and social security laws;
- ▶ increasing investment attractiveness;
- ▶ creation of public-private enterprises in various sectors of economy.

<sup>22</sup> *Fiszbein A., Kanbur R., Yemtsov R. Social protection and poverty reduction: global patterns and some targets / A. Fiszbein, R. Kanbur, R. Yemtsov // World Development. – 2014. - vol. 61. pp.167-177.*

## The Impact of Corruption on the Effectiveness of Social Policy

According to the UN estimates for 2018, “the annual volume of bribes on a global scale makes **one trillion dollars**. Corruption leads to the fact that **the world economy loses 2.6 trillion dollars**. These funds account for more than 5% of global GDP”<sup>23</sup>

The effect of organized crime on global GDP can be compared with these indicators.

Thus, according to the UN Office on Drugs and Crime information, published in the report “Transnational organized crime and the impact on the private sector: the hidden battalions” in 2017, “**due to the activities of transnational organized crime, the world economy lost \$3.6–\$4.8 trillion in 2015-2016, equivalent to 7 percent of global GDP**”<sup>24</sup>

In aggregate, of the world economy loss from corruption and the activities of organized crime on average annually make up about 12% of world GDP, or 6.2–7.4 trillion dollars.

## National Models of Social Policy

Historically, the world has developed several basic approaches to the organization of social policies that take into account cultural specifics of the countries that have developed and implemented them. The main differences of these models are connected to the degree of state participation in the structure of social support and the role of business and non-state associations. There are 3 main models: Scandinavian (social democratic), continental (social market), liberal (American-British).

### SCANDINAVIAN MODEL

- ▶ The model is widespread in Sweden, Finland, Denmark, Norway. The basis of the social protection system is the state mechanism of income redistribution.
- ▶ The system relies on the willingness of citizens to bear joint and several liability. The basis of financing is taxes.
- ▶ Direct implementation of social policy is dealt with by trade unions. Social services are provided through municipalities.

<sup>23</sup> UN official site. Access mode: <https://news.un.org/en/story/2018/12/1027971>

<sup>24</sup> Official site of the UN Office on Drugs and Crime. Access mode: [https://www.unodc.org/res/cld/bibliography/transnational-organized-crime-and-the-impact-on-the-private-sector\\_-the-hidden-battalions\\_html/gitoc\\_tocprivatesector\\_web-3.pdf](https://www.unodc.org/res/cld/bibliography/transnational-organized-crime-and-the-impact-on-the-private-sector_-the-hidden-battalions_html/gitoc_tocprivatesector_web-3.pdf)

- ▶ The goal is to ensure full employment and equalization of income through tax policy.
- ▶ The system ensures the universality and common accessibility of social protection, education and health care. Common accessibility of education subsequently provides citizens the opportunity to receive high wages.
- ▶ The Scandinavian model is characterized by a high share of GDP redistribution through the budget – up to 70%.

### CONTINENTAL MODEL

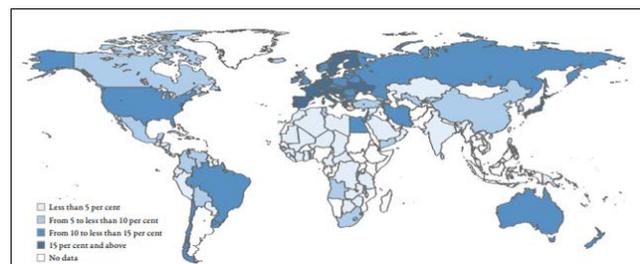
- ▶ The model is widespread in Germany, France, Austria, Belgium. The basis of the social protection system is business through collective bargaining relationship.
  - ▶ The basis of financing is insurance contributions to state and self-governing insurance organizations, which are agents of social protection.
  - ▶ The principle of self-reliance is used.
- The share of redistribution of GDP through the budget is 30%.

### LIBERAL MODEL

- ▶ The model is widespread in the USA and the UK. It is based on the state-controlled system of private social insurance.
- ▶ The basis of financing is the contributions of citizens to private insurance organizations through which social protection is realized.
- ▶ The share of redistribution of GDP through the budget is 40%..
- ▶ The system covers predominantly working citizens.
- ▶ The basic principles are individual approach, self-sufficiency and targeting.
- ▶ Social assistance is provided to strictly defined categories of people.

## SOCIAL POLICY IN THE RUSSIAN FEDERATION

According to the International Labor Organization information, presented in the “World Social Protection” report for 2017–2019<sup>25</sup>, public social protection expenditure (excluding health) in percentage of GDP was as follows:



Countries such as Japan, Sweden, Finland, Spain and some other are ahead of Russia in terms of social policy spending.

It is noteworthy that, in accordance with the Federal Law No. 459-FZ of 29 November 2018 “On the Federal Budget for 2019 and for the Planning Period of 2020 and 2021”, the

<sup>25</sup> Official site of the International Labour Organization (ILO). Access mode: <https://www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=54887>

ratio of total federal budget expenditures to social policy expenditures makes 27% (for 2019), 26% (for 2020) and 24% (for 2021).

In Russia from 10 to 15% of GDP is spent on the implementation of state social policy, which is compatible with analogical expenditures of the USA, Australia, Brazil, Iran and some other countries.

There is no definition of state social policy in the legislation of the Russian Federation, however it can be doctrinally defined as a complex of state measures aimed at increasing the level of well-being of the population.

In Russia expenditures on state social policy amount to an average of one-fourth of the total expenditures of the federal budget.

The main measures for the implementation of state social policy are enshrined in the President of the Russian Federation Decree No. 597 of 07.05.2012 "On Measures for Implementation of State Social Policy". Among other things, the Decree talks about increasing the size of real wages, creating special jobs

Despite the persisting differences in the national models of social protection systems organization, **the global trend for social policy development is to expand investment in human capital**, facilitate access to education, health care and increase the minimum level of social payments, expanding the coverage of citizens with social programs. **The future of national models is determined by the ability to adapt to the conditions of the fourth industrial revolution, where the main competitive advantage is human capital.**

for the disabled, and increasing support for socially oriented non-profit organizations.

## COMBATING POVERTY AND INEQUALITY AS A PRIORITY ON THE AGENDA OF INTER-PARLIAMENTARY COOPERATION

The UN emphasizes the "essential role of parliaments" in the implementation of the SDG Agenda 2030, including the challenges of overcoming poverty and inequality<sup>26</sup>.

The leading role in coordinating inter-parliamentary cooperation in this area is played by the Inter-Parliamentary Union (IPU), acting in close coordination with the UN.

The IPU identified the implementation of the SDGs as one of the main tasks of the inter-parliamentary dialogue in

<sup>26</sup> *Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union. Report of the UN Secretary-General at the 72nd session of the UN General Assembly. March 14, 2018 URL: <https://undocs.org/en/A/72/791>*

the 2015 Hanoi Declaration<sup>27</sup>. With the support of the UN, regular regional thematic parliamentary seminars and conferences are held. In cooperation with the United Nations Development Program, the IPU prepared and distributed in 2016 an SDG self-assessment toolkit for parliaments in seven languages<sup>28</sup>.

The dialogue on the SDGs theme is productively developing on the platforms of international parliamentary forums.

## Perspective Tasks of Inter-parliamentary Cooperation in the Interests of Overcoming Poverty and Inequality:

- ▶ exchange of best legislative practices in the measures to overcome poverty and inequality area,
- ▶ development, with the support of the scientific and expert community, of new effective approaches to implementation of social policy and improvement of living standards, considering the latest trends in the development of socio-economic and scientific-technological processes,
- ▶ joint search for answers to the challenges related to the society transformation in the context of the fourth industrial revolution and digitalization.

Close international coordination of the parliamentarians' work will contribute to a more even development of the world regions and reduction of increasing global inequality risks.

<sup>27</sup> *Hanoi Declaration. The Sustainable Development Goals: Turning Words into Action. Adopted by the 132nd IPU Assembly. Hanoi, 1 April 2015. URL: <http://archive.ipu.org/conf-e/132/rpt-gendebate.htm>*

<sup>28</sup> *Parliaments and sustainable development goals. A set of tools for self-esteem. MPS, 2016. URL: <https://www.ipu.org/file/3054/download?token=-IOPjBd>*

**2**

***ROUND TABLE***





**MEDIA  
WARS:  
HOW  
TO BEAT  
FAKE  
NEWS?**

## ROUND TABLE: MEDIA WARS: HOW TO BEAT FAKE NEWS?

### Media Wars and Fake News: Old Problem, New Methods

According to the annual report of the Edelman Trust Barometer, 73% of respondents around the world are concerned that deliberately disseminated false information and fake news are used as a tool to incite inter-state conflicts.<sup>1</sup> At the same time, 63% of respondents cannot distinguish reliable information from false information when they obtain it via the Internet. According to surveys, fake news spreads very fast, at least 7 times faster than reliable information<sup>2</sup>.

The fake-news concept ("misleading news" or "news disinformation") can be defined as the conscious and purposeful dissemination of distorted or fictional facts of great news potential<sup>3</sup>. As a rule, this is false sensational information spread under the guise of news reports<sup>4</sup>.

The information transmission velocity has increased several times over the past decade. This has led to a fundamental transformation of the social reality. Information consumers are now overwhelmed by the influx of diverse information content. This is why the psychological condition of an ordinary Internet user can be defined as "chronic informational toxemia".

As a result, consumers of information would rather prefer speedy obtainment and ease of mastering of the internet content; quality requirements are bated. Elementary verification of the incoming information flow is now problematic.

Oxford University Press has termed this phenomenon "post-truth".

Reliable information, if coming late, loses relevance and remains unclaimed. The past verification standards are lost, which opens the door for the manipulation with opinions of entire social groups<sup>5</sup>.

<sup>1</sup> 2019 Edelman Trust Barometer Global Report // [https://www.edelman.com/sites/g/files/aatuss191/files/2019-03/2019\\_Edelman\\_Trust\\_Barometer\\_Global\\_Report.pdf?utm\\_source=website&utm\\_medium=global\\_report&utm\\_campaign=downloads](https://www.edelman.com/sites/g/files/aatuss191/files/2019-03/2019_Edelman_Trust_Barometer_Global_Report.pdf?utm_source=website&utm_medium=global_report&utm_campaign=downloads). C. 20.

<sup>2</sup> Langin K. Fake news spreads faster than true news on Twitter—thanks to people, not bots // <https://www.sciencemag.org/news/2018/03/fake-news-spreads-faster-true-news-twitter-thanks-people-not-bots>.

<sup>3</sup> Klein D., Wueller J. Fake News: A Legal Perspective // *Journal of Internet Law*. Apr. 2017. // <https://ssrn.com/abstract=2958790>.

<sup>4</sup> Stetsko E. Fake news and post-truth phenomenon: Informational and political trends of the year. 2017 // <https://eadaily.com/ru/news/2017/11/20/fake-news-i-fenomen-post-pravdy-informacionno-politicheskie-trendy-goda>.

<sup>5</sup> Post-truth is Oxford Dictionaries' word of 2016 // <https://www.dw.com/en/post-truth-is-oxford-dictionaries-word-of-2016/a-36408645>.

"Post-truth" is the transformed social reality where the importance of objective facts decreases, due to the growing importance of subjective factors such as personal convictions, corporate solidarity or emotions.

The phenomenon of misinformation is not new. However, the fake news turns into a dangerous detonator in the context of such present-day factors as:

- ▶ Instant dissemination and deep penetration of information in the digital communication environment;
- ▶ New technologies of social networking;
- ▶ Exacerbation of social inequality, significant protest potential in society;
- ▶ Degradation of the system of international law, growing conflict potential and confrontation in international relations.

The confrontation on the international scene is unfolding today on the military-political plane, but above that, in the informational, cybernetic, cultural and cognitive dimensions.

The role of non-combatant means of achieving strategic political goals is growing steadily. They are so effective that they have started to surpass traditional power methods.

As a result, contemporary conflicts are becoming complex in their nature, which is manifested in the combination of force with information-psychological confrontation.

The term "hybrid" was thus proposed to denote the qualitatively comprehensive and multidimensional modern war. This term characterizes an unprecedented combination of force and "peaceful" means to combat the enemy in real time mode.<sup>6</sup> Fake news is just one of the key tools of such hybrid warfare<sup>7</sup>.

### Can Regulation Counterpunch Disinformation?

Regulatory activity to combat false news is quite actively under way in a number of jurisdictions.

At present, it is possible to designate the following directions of special regulation of relations connected with the dissemination of obviously false information in foreign countries (Fig. 1):

Governmental control which can be further divided into:

- a) Statutory regulation (Fig. 2);
  - b) Other types of regulation such as organizational, informational, economical, etc. (Fig.3);
- 2) Non-governmental control such as branch self-regulation and public initiatives (Fig. 4).

<sup>6</sup> Kuchinskaya M.A. The phenomenon of hybridization of present-day conflicts: Domestic and Western military-political discourse // *National Strategy Issues*, No.6 (51). 2018. Pp. 122-123.

<sup>7</sup> Koshkarova N.N. Fake news: Creative solution or Swindle? // *TSPU Bulletin*. 2018. 2 (191). P. 14.

## Governmental statutory regulation of relations connected with fake news dissemination

Approaches to the governmental statutory regulation of the dissemination of “false information” are formed in national jurisdictions in three main areas (Fig. 2):

- ▶ Regulation of online platforms (social networks)
- ▶ Regulation of the activities of persons directly disseminating false information
- ▶ Regulation of advertising activities on the Internet

## Regulation of Online Platforms, Social Networks and Internet Sites as a Means to Counter Fake News: National Practices

### GERMANY

The German law of 2017 which is aimed at mitigation of hate online is considered one of the most stringent legislative initiatives to regulate communication on the Internet. According to some estimates, the law “represents the most ambitious attempt of the Western democracy to control what is happening in social media”.

According to the provisions of this law, social networks are required to give the user an opportunity to complain about publications (comments, video content, etc.) containing insults, slander, threats, insults to the state, solicitation to illegal actions, blasphemy. In essence, we are talking about the violation of more than two dozen articles of the German Criminal Code through publications on the web. The wording of the law is such that not only social networks are directly affected, but also instant messengers and cloud storages.

It is noteworthy that after the adoption of the law, Facebook reported hiring several hundred employees in Germany to deal with complaints about illegal content and to perform general monitoring of information published by the users.

The law has been enforced several times already. For instance, Twitter blocked the account of satirical magazine *The Titanic* for an insulting publication; also, Twitter deleted a publication from the account belonging to one of the initiators and authors of the law, Justice Minister Heiko Maas.

In March 2018, it was decided to finalize the law due to a wave of criticism regarding mass removal of content. It was decided to provide users with the opportunity to assist social media in the establishment of independent bodies to deal with controversial situations.

### FRANCE

In November 2018, on the initiative of President E. Macron, in order to combat misinformation during the elections, a law on fake news was adopted. The law defines fake news as “erroneous statements or assessments, or

news that distorts facts in order to influence the course of the vote”.

The law is aimed at toughening the rules for interaction with media platforms and social networks during the election campaign. Many political establishment figures consider the law to be at least inapplicable, and at most, dangerous.

For three months before the election, the French authorities have the right to remove “fake” content posted in social media, block the sites that have published it, and to track the financial flows sponsoring the distribution of content. Innovation is based on the law of 1881 on the dissemination of “false news”.

### MAIN PROVISIONS OF THE NEW LAW:

- ▶ online platforms such as Facebook, Twitter and YouTube are required to publish information about customers and the cost of posting the content and advertising campaigns, as well as about sponsors (this measure was borrowed from the US Law “Honest Ads Act”);
- ▶ The Supreme Council for Audiovisual Media of France (CSA) received new powers to monitor the implementation of the provisions of the law by online platforms, namely the right to unilaterally revoke the broadcasting license from TV and radio sources found to spread false information or serve the interests of a foreign country;
- ▶ Judges are authorized to use “any legal means” when receiving signals from individuals, civil servants or political groups.

It is noteworthy that, at the insistence of the French Committee for Culture, the definition of fighting “false news” was replaced by “fighting information manipulation”, which removed satire from the law.

Three criteria were defined for fake news:

- ▶ It has to be published;
- ▶ It has to contain serious distortions;
- ▶ It has to lead to hostilities or to compromise voting results.

Based on the provisions of the new law, in April 2019, Twitter removed an agitation campaign sponsored by the government because it violated French standards for advertising transparency. The social network was not sure whether it interpreted the provisions of the new law correctly and chose to be safe. According to the authorities, the precedent was caused by the platform’s non-compliance with the requirements of the law.

## Regulation of the Activities of Persons Directly Disseminating False Information as a Tool to Combat Fake News: National Practices

### SINGAPORE

On April 9, 2019, the Singapore authorities adopted a harsh “Law on manipulation and disinformation on the Web”, aimed at “protecting the public from inaccurate information”.

The new measure allows the authorities to oblige Internet sites to remove or amend publications that are deemed

unreliable. Experts believe that with the adoption of the law, the Singaporean authorities can get effective leverage on international corporations such as Facebook, Twitter, Google, which have Asian representative offices in Singapore. For refusal to remove inaccurate information online sites will be required to pay impressive penalties.

Natural persons convicted of violating the law, in addition to a fine, may also be sentenced to imprisonment for up to five years. Creators of fake accounts or bots can be fined up to 1 million Singapore dollars or get up to 10 years in prison. The law also applies to social media and news sites.

Human rights activists say that the concept of fake news is vaguely spelled out in the law, which sets up an unnecessarily broad field for interpretations. The important technical aspects of law enforcement practice remain unclear, in particular, the extension of the provisions of the law to encrypted chats. Telegram and Whatsapp messengers popular in Singapore are also under threat.

Human Rights Watch in Asia sharply criticized the Singapore Government's initiative to monitor private chats, calling it "insane".

In their turn, government agencies are convinced that the innovation will protect citizens from inaccurate information. They emphasize that the law does not aim to control opinions and positions, but only the dissemination of deliberately false information, bots, trolls and "fake" accounts. The law provides for the possibility of challenging the decision of the authorities in court.

## PHILIPPINES

On 29 August 2017, the country signed the Republican Act (RA) No.10951, which established a sentence of imprisonment for up to 6 months and a fine of up to 200,000 pesos (3.9 thousand US dollars) for spreading fake news.

In accordance with paragraph 18 of Article 154, any person who publishes fake news that could jeopardize public order or harm the credibility of the state will be held accountable by imprisonment ranging from one day to six months and a fine ranging from 40,000 to 200,000 pesos.

According to the same article, the punishment also applies to those who make oral statements encouraging disobedience to the law, or publish official documents without proper authority, or anonymously publish leaflets.<sup>8</sup>

## RUSSIAN FEDERATION

Federal Law No. 31-FZ "On Amendments to Article 15.3 of the Federal Law On Information, Information Technologies and Information Protection" of 18 March 2019 establishes a special blocking procedure in case of detecting false information on a resource that is a network publication.

The General Prosecutor of the Russian Federation or their deputy will send an appeal to Roskomnadzor, which will notify the editor of the online edition about the need to remove inaccurate information. If the editorial board of the online edition does not immediately delete the information, Roskomnadzor sends a request to telecommunications operators asking them to take

measures to restrict access to the appropriate online edition. This procedure does not apply in case of detection of unreliable information on an information resource which is a news aggregator.

Article 13.15 of the Code of Administrative Offenses of the Russian Federation established differentiated fines for offenses related to the dissemination of unreliable information, including the imposition of an administrative fine on physical persons in the amount of up to 400 thousand rubles (6,153 thousand US dollars); officials will be subject to penalties ranging from 600 thousand to 900 thousand rubles (13.8 thousand US dollars); legal entities, to penalties ranging from 1 million to 1.5 million rubles (23 thousand US dollars).

The need to introduce a law on fake news is justified by the fact that disinformation on socially significant topics can entail a whole range of serious threats, from financial, economic and socio-political issues to threats to people's life and health. It is assumed that the law can be improved on the basis of monitoring its application. The new measure may limit the functioning of only those media that use fake news to raise their ratings.

## Regulation of Advertising Activity on the Internet as a Tool to Combat the Spread of Fake News: National Practices

### ИРЛАНДИЯ

In 2017, Online Advertising and Social Media (Transparency) Bill was introduced in Ireland.

In the reports of the year 2019, the Irish Interdepartmental Group on the Security of the Electoral Process and Disinformation (IDG) stated that the extent of the spread of fake news during the elections in Ireland was relatively small. At the same time, the spread of misinformation on the Internet and possible cyber attacks on the electoral system pose significant risks<sup>9</sup>.

This bill proposes to regulate "political advertising", that is, advertising published with the purpose to influence the results of a certain referendum or election, increase the popularity of a certain party or candidate for an elected public office, influence the results of a company dispute or vote in parliament.

The bill prohibits political advertising to be funded from the national budget. It obligates all persons placing political advertising to inform viewers about its sponsors and customers

<sup>8</sup> RA 10951 Anti Fake News Law in the Philippines - Penalty up to ₱20 Million, 20 years imprisonment // <https://www.pesoreserve.com/2017/09/ra-10951-anti-fake-news-law-in.html>.

<sup>9</sup> Policy Information: Overview- Regulation of Transparency of Online Political Advertising in Ireland (14 February 2019) // <https://www.gov.ie/en/policy-information/7a3a7b-overview-regulation-of-transparency-of-online-political-advertising-/>.

(similarly to traditional offline materials with like content) using the "ticker line". Violation of these rules may result in criminal sanctions: a fine of up to 10 thousand Euros or imprisonment of up to 5 years (or both). The bill also provides for a similar responsibility for managing a "bot" for political purposes (a "bot" is 25 or more separate accounts or profiles managed by one user but disguised as unrelated accounts).

## USA

The Honest Ads Act project was put to Senate's vote on 19 October 2017. It passed two readings and was passed over to the Committee on Rules and Administration.<sup>10</sup>

The bill recognizes online platforms as the main centers for disseminating "fake" political information. The explanatory note says that digital platforms, such as Facebook — a social network with 210 million US users, which is almost ten times more than the subscriber base of the largest national provider of cable or satellite networks — have far fewer obligations, while the amount of digital political advertising is increasing exponentially (during the last election, \$ 1.4 billion was spent on it).

The document assumed expansion of the responsibility of digital platforms. This includes a requirement that advertisements should be accompanied with notes describing the target audience and the average price paid for advertising. Digital platforms (50 million or more unique visitors per month) will have to maintain a detailed record of political advertising purchasers whose aggregate requests for political advertising on a given platform exceed 500 US dollars over 12 months.

Violations of the established requirements will lead to fines of up to \$ 5,000 or imprisonment for up to 5 years.

## Non-regulatory Ways to Counter the Spread of Fake News

### a) Official fact-checking instruments:

- ▶ The Singapore Government's website named "Factually" is intended for "explaining popular misconceptions about public policy or misperceiving public issues that could damage the social harmony of Singapore";
- ▶ Qatar Government's website "Lift the Blockade".
- ▶ The Center for Countering Terrorism and Digital Threats operates in the Czech Republic.

It is important that "fact-checking" initiatives at the national or supranational level do not become tools for restricting freedom of speech, propaganda, or information warfare. Thus, in April 2015, the European Foreign Policy Service established the East StratCom Task Force with the aim of countering Russia's alleged disinformation campaigns. In March 2018, the Lower House of the Parliament of the Netherlands called for the abolition of the working group.

<sup>10</sup> A Bill to enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, and for other purposes (S.1989 - Honest Ads Act, 115th Congress (2017-2018)) // <https://www.congress.gov/bills/115th-congress/senate-bill/1989/text>.

### c) Integrated media literacy enhancement

- ▶ Media literacy programs, such as the Safe Internet Day, are aimed at teaching the responsible use of digital technology in Singapore;
- ▶ Canada, Taiwan and Italy presented curricula for teaching kids to distinguish false information from reliable.

### d) Interaction with the target branch

- ▶ Measures encouraging the industry to step up its own efforts to combat "fake" news and online "analytics" (for example, the Communication on Online Platforms event held by the European Commission).

e) Support of research on the use of AI technologies to combat fake news:

- ▶ The US National Science Foundation supports projects aimed at automatic processing of information complaints. Similar activities are underway in Australia.

## Non-governmental Regulation of Relations Dealing with Dissemination of Knowingly Fraudulent News Information

### EXAMPLES OF BRANCH SELF-REGULATION:

1) User initiatives and algorithms for self-regulation of technology companies:

- ▶ A tool that allows Facebook users to send doubtful news to the International Fact Checking Network (IFCN), to verify facts. Launched in 2017, this initiative collaborates with the media of EU member states;
- ▶ WeChat users from China can inform other users and even entire chat groups about false information by clicking on the profile page. Reports are checked by WeChat employees who compile a fake news database to determine similar content in order to automatically block it in the future;
- ▶ Facebook measures: removal of fake accounts; increased transparency of advertising (disinformation can spread on the Internet through targeted advertising, so by the end of this year, any Facebook user will be able to see all advertisements of any page, even if they are not in the target group for those advertisements); tracking spammers; improvement of the news feed (assignment of certain information, such as spam and fake news, to a low rating in order to reduce the frequency of its appearance in the users' feed);
- ▶ Google's initiatives: allowing publishers to mark articles containing "verified facts" (this feature was tested in the USA, UK, Germany, France, Brazil, Mexico and Argentina and is used everywhere), including using Google's special tools and platforms; removal of false or misleading sites from the search results; removal of false, inappropriate and malicious advertisements.

## Public Initiatives

Основным примером общественных инициатив борьбы с «фальшивыми новостями» являются общественные инструменты «фактчекинга»: <http://www.snopes.com/>; <http://realorsatire.com/>; <https://mediabiasfactcheck.com/>.

## Looking for the Optimal Combination of Solutions in Order to Regulate Relations to Counter Fake News

### PROBLEM 1: HOW TO FIND A BALANCE BETWEEN FREEDOM OF SPEECH AND SECURITY

The obvious and hard to respond problem of speedy and irreversible dissemination of heterogeneous information on the Internet causes widespread debate concerning the optimum approach to legal regulation that would make it possible to avoid limitation of constitutional rights and freedoms.

First of all, we are talking about how to ensure unimpeded exchange of information that underlies the modern economy.

At the same time, other basic principles to streamline the dissemination of information on the Internet should also be complied with:

Internet should be free, open and accessible to all; users have to understand the rules applicable to them when they are online; personal data must be respected and properly used; security measures should be taken to protect Internet users, especially children; technology companies are responsible to their users; human rights existing in the real world must be equally protected on the Internet; no technology can be inherently good or bad; The social and economic benefits associated with new technologies should be shared fairly.

**The regulation of this sphere should not become a political confrontation tool.** Thus, in April 2018 in Malaysia, the fake news law came into force, passed by the previous parliament, which drew criticism of the expert community and the society. In August 2018, it was canceled as posing a threat to freedom of expression. The new convocation of the Malaysian Parliament initiated a large-scale program of legislative reforms aimed at changing the legal norms that could previously have been abused to restrict the fundamental rights and freedoms of citizens, in particular, to suppress dissent.

### PROBLEM 2: HOW TO FIND A BALANCE BETWEEN IMPERATIVE REGULATION AND SELF-REGULATION

Developing a strategy of government response to the dissemination of unreliable information on the Internet does not boil down to simply achieving a balance between freedom and security of the information environment. It also means finding a balance between imperative regulation and self-regulation.

From the legal point of view, inaccurate information can be presented in a variety of ways. This determines the content of legal measures being developed and being taken in a number of countries around the world. These legal relations may fall under the norms of civil, administrative or criminal law.

The issues of combating fake news are inextricably linked to solving the issues common for Russia and foreign countries, namely, dissemination of information in the digital environment:

- ▶ Uncertainty of digital sovereignty of the countries and difficulty of applying national legislation to foreign subjects operating in the national segment of the Internet (including the lack of a unified approach to determining the boundaries of the national segment of the Internet);
- ▶ Lack of resources sufficient for adequate control over the dissemination of unreliable information on the Internet;
- ▶ Fragmentary regulation of the rights and obligations of content creators (owners of information resources), information intermediaries, consumers of information when content is being handled;
- ▶ Lack of an effective and flexible system of coercive measures in the event of failure to fulfill the obligations to limit the circulation of unreliable information: often, blocking is the only coercive measure.
- ▶ In itself, legal regulation is unable to fully respond to the challenges of the digital-era information dissemination and should be combined with other ways of interfacing:
- ▶ Building flexible, productive industry cooperation, with digital platforms, user communities, expert and journalistic communities, civil society institutions;
- ▶ Promoting a culture that establishes high standards of quality and reliability of the information produced, as well as a culture of social networking on the Internet (also by way of encouraging public “fact-checking” initiatives);
- ▶ Taking long-term measures to increase media literacy, social responsibility, including the re-dissemination of information (sharing, reposting).

So far, the share of the users who stick to critical way of thinking when consuming media is still very small.

Parliamentarians are urged to use the opportunities of inter-parliamentary dialogue in order to enhance the exchange of best practices and jointly develop both weighted approaches to legal regulation and complex non-regulatory measures to promote the emergence of a new culture that meets the demands of the digital age.

Only after succeeding in its combat against false information, society will be able to switch to the Internet in Web 3.0 mode.

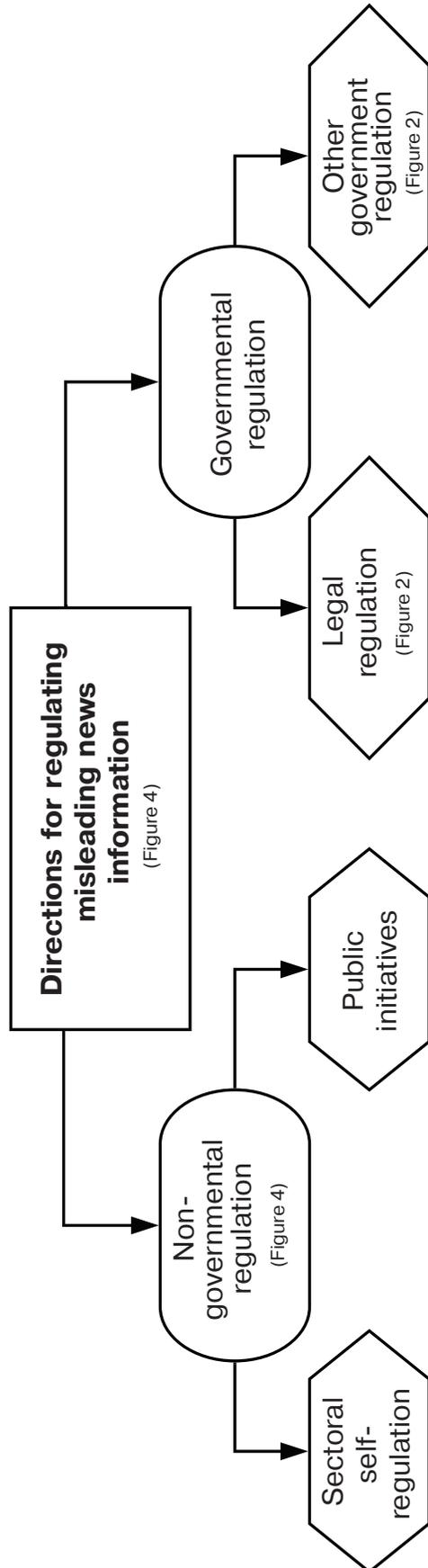


Figure 1. Regulating the spread of misleading news. The presented map shows the key international practices of dealing with fake news.

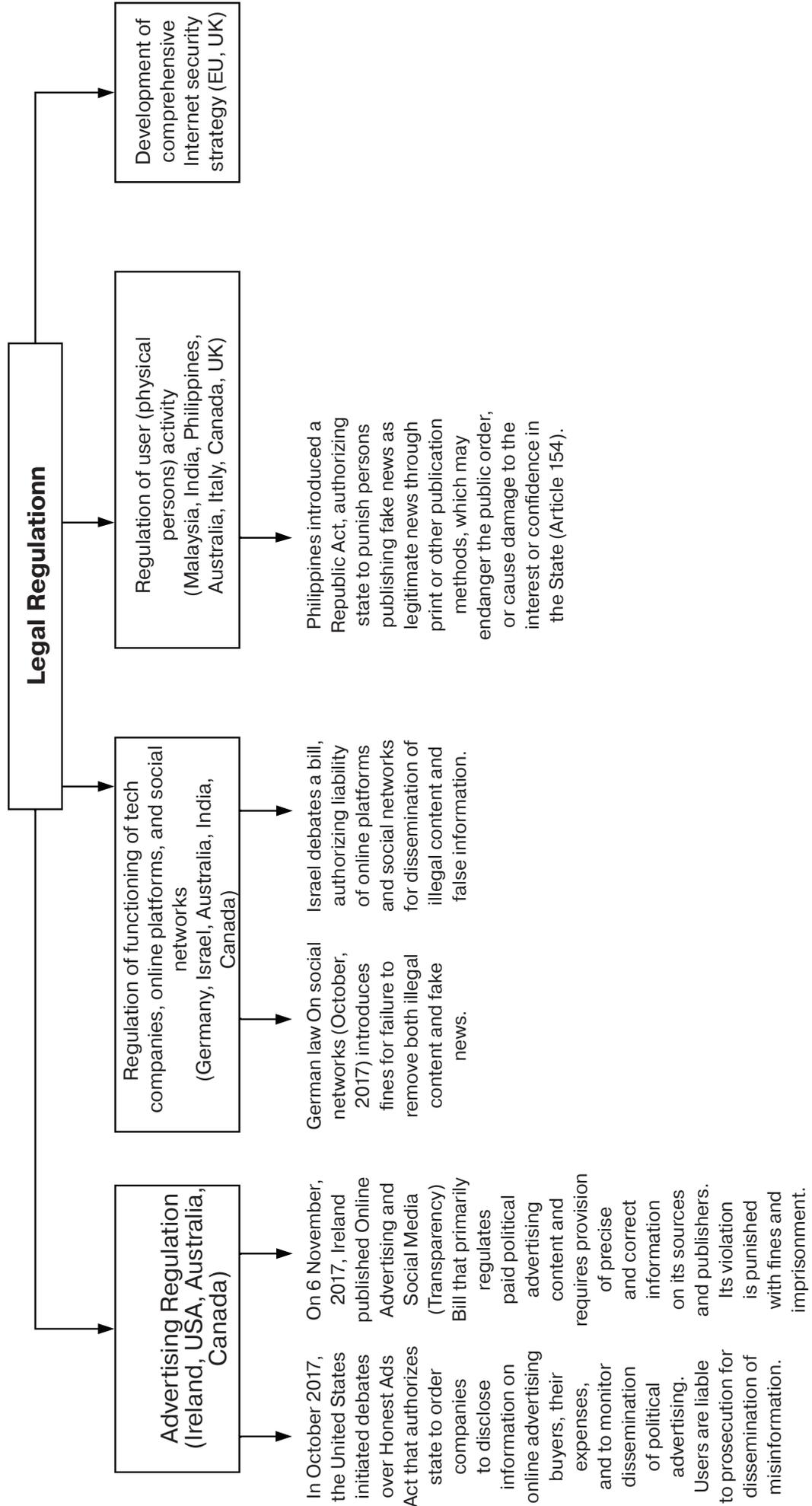


Figure 2. Legal regulation as part of state regulation policy.

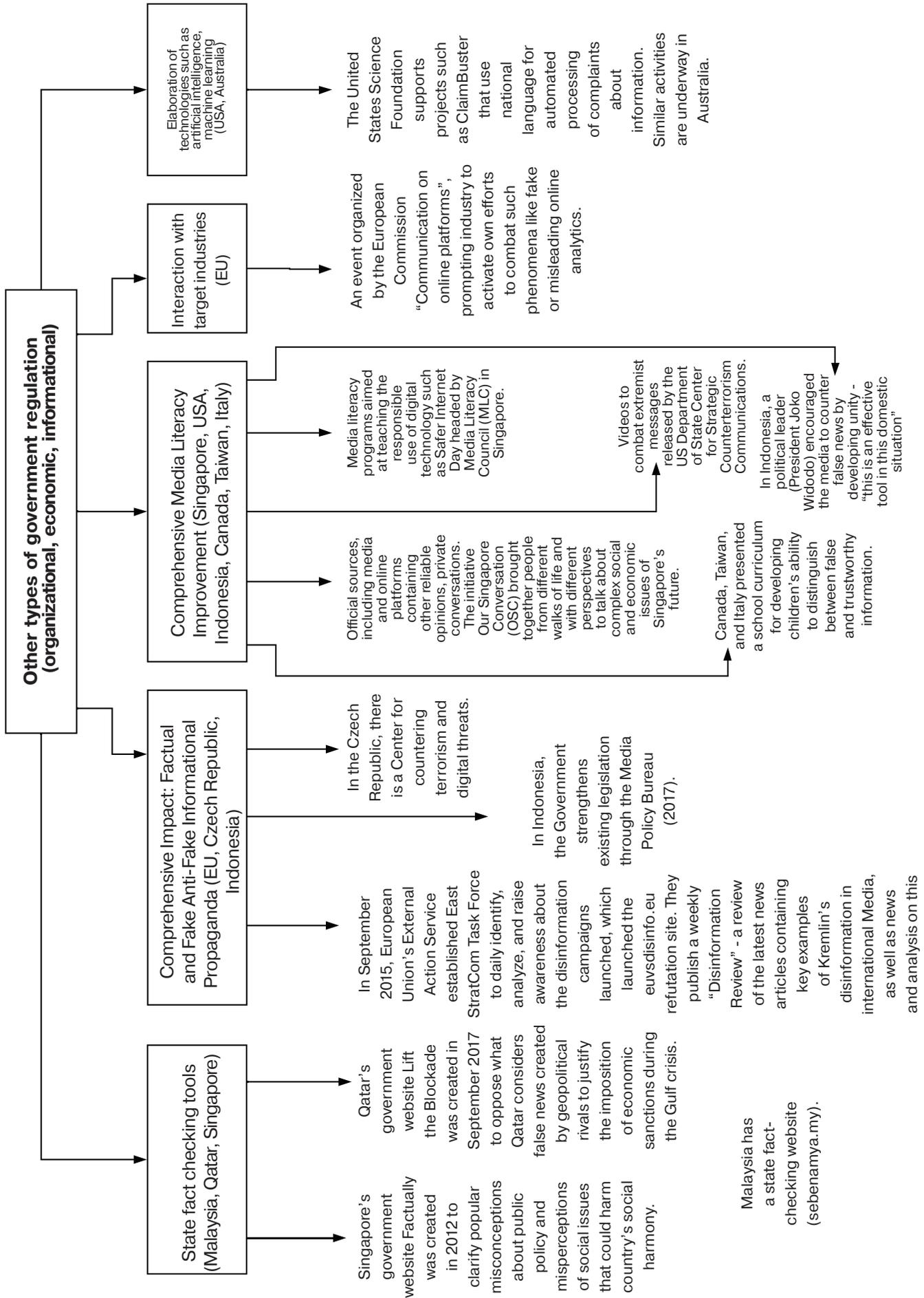


Figure 3. Other types of government regulation.

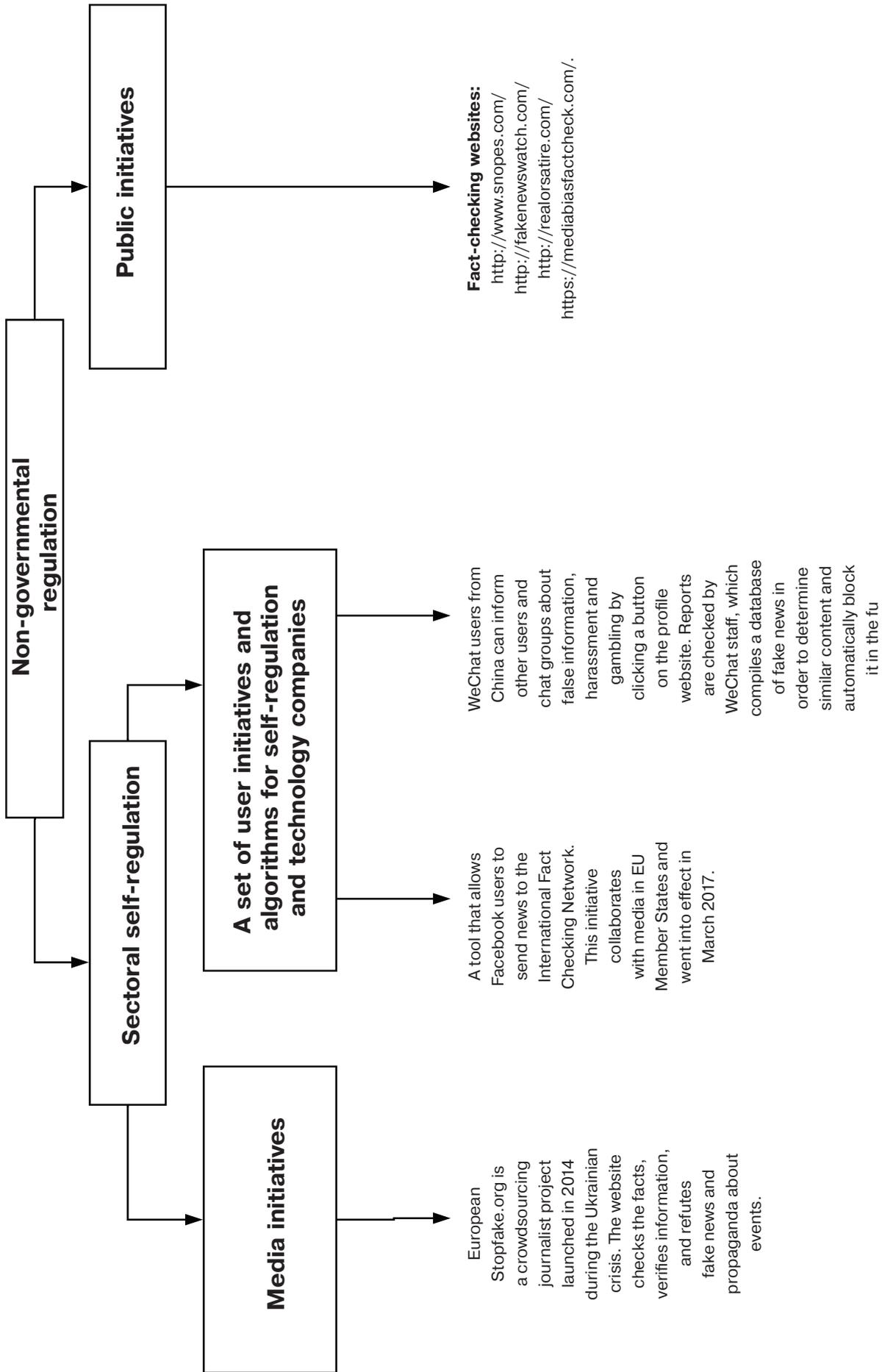


Figure 4. Non-government regulation





# ***ROUND TABLE***

**ENVIRONMENTAL  
LEGISLATIVE AGENDA:  
EFFICIENT  
COOPERATION  
FOR SUSTAINABLE  
DEVELOPMENT**



# 3 ROUND TABLE: ENVIRONMENTAL LEGISLATIVE AGENDA: EFFICIENT COOPERATION FOR SUSTAINABLE DEVELOPMENT

## 1. Environmental Dimension of Sustainable Development

The consumption of natural resources and the necessity to ensure economic growth have increased due to the sharp augmentation in the world's population (from 3 billion in 1960 to 7.7 billion at present). In this period, the consumption of energy resources (coal, oil, gas) increased by more than 2.5 times; the areas of arable land doubled; the use of fresh water for agriculture, production and water supply of the population grew 10 times<sup>1</sup>.

The environmental imperative (the amount of land needed to provide produce for one person) is 21.9 hectares, while at the moment this figure stands at 15.7<sup>1</sup> hectares per person. Over 1.4 billion people do not have access to clean, safe water. According to UN experts, water will become a more important strategic resource than oil and gas in the 21st century.

The development of mankind occurs within the limited biological capabilities of the Earth. Many countries have largely exhausted the economic capacity of their territories and are experiencing a shortage of natural resources. In Western European countries, a critical problem is the shortage of fertile land and energy resources; there is a shortage of water resources in Africa and the Middle East; in North America, part of the production capacity was transferred to other countries to prevent pollution.

There are three centers (large areas) of environmental destabilization on Earth: North American, European and Southeast Asian.

As a result, the natural cycle of substances in the biosphere is disrupted resulting in global warming. According to the IPCC<sup>2</sup>, "it is extremely likely that human influence was the main cause of the warming observed since the mid-twentieth century."

<sup>1</sup> According to UNEP (United Nations Environment Programme) estimates.

<sup>2</sup> There are three centers (large areas) of environmental destabilization on Earth: North American, European and Southeast Asian.

The root causes of global processes in the biosphere are a subject of scientific debate. However, the visible signs of large-scale transformations are obvious – they include a rise in sea level, a change in the amount and nature of precipitation; air and water pollution; biodiversity reduction; flooding and desertification of territories.

Currently, the influence of the anthropogenic factor on the environment is comparable to the scale and intensity of natural processes. Economic activities are carried out on two thirds of the land surface. In old industrial areas, natural landscapes have been completely transformed. The synergy of natural and anthropogenic factors results in emergency situations. Examples of hazardous processes of regional and planetary scale include the ecological disaster of the Aral Sea, progressive desertification and degradation of a third of the world's agricultural land, crossborder spreading and accumulation of toxic substances in wildlife objects, including those in the Arctic and the World Ocean.

There are limited areas with undisturbed or insignificantly damaged ecosystems remaining on the planet. In the northern hemisphere, these are the natural landscapes of the European north and the Asian part of Russia, most of Canada, in the southern hemisphere, they include the Amazonia and part of Australia.

In the first half of the twentieth century, scientist V. Vernadsky coined the idea of the biosphere transitioning into a new state – "noosphere", which happens under the influence of human activity. Vernadsky warned that this was a "terrible time", the danger of which should be studied in order to prevent serious consequences<sup>3</sup>.

According to the leading analytical centers<sup>3</sup>, global transformations in the biosphere and negative trends for humanity are going to increase. The efforts of the international community to reduce emissions into the atmosphere, discharges of untreated wastewater into water bodies do not yet bring the desired success on a global scale.

<sup>3</sup> WorldWatch Institute, USA, Institute of Global Climate and Ecology named after Yu. Israel, Russia.

There are assessments of the inevitability of a catastrophe, "overt chaos" and "the death of human civilization in the form in which we understand it"<sup>4</sup>.

These statements prove the deepening of contradictions in the interaction between people and nature. There is a need to change the paradigm of social development and search for new ways to harmonize the interaction between society and nature.

## 2. Sustainable Development Goals

The UN goals in creating an institutional environment for sustainable development include two levels. At the national level, it is important "... to help build peace-loving and open societies for sustainable development, ensure access to justice for all and create effective, accountable and participatory institutions at all levels ...". At the supranational level, the priority is "...to strengthen the means of achieving sustainable development and revitalize the mechanisms of the global partnership for sustainable development ...".

Unlike traditional theories of economic growth, aimed at maximizing profits, the idea behind sustainable development is to ensure social development without destroying natural life support systems. Sustainable development goals have recently been clarified.<sup>5</sup> They cover four components: economic, social, environmental development and the formation of an institutional environment for sustainable development.

The goals of economic and social development mainly focus on solving national and regional problems: poverty, food security, healthy lifestyle, gender equality, quality of education, economic growth and employment, industrialization and innovation.

The objectives of environmental development are global: rational use of water resources, combating climate change and its consequences, preserving oceans, seas and marine resources, protecting and restoring terrestrial ecosystems.

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<sup>4</sup> National Centre for Climate Restoration, Australia - POLICY PAPER: Existential climate-related security risk: A scenario approach.

<sup>5</sup> In 2015, the UN Summit on Sustainable Development identified 17 strategic objectives in the program «Transforming our world: the 2030 Agenda for Sustainable Development».

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## 3. Problems of Sustainable Development

Problems of sustainable development lay at the center of world politics and were discussed at the St. Petersburg Economic Forum<sup>6</sup>.

President of the Russian Federation Vladimir Putin stressed: "Climate and ecology have become objective factors of world development, a problem that can lead to large-scale upheavals, including a new uncontrollable surge in migration, increased instability and undermining security in key regions of the planet."

António Guterres, UN Secretary-General, noted that the problem of climate change had exceeded previous forecasts. He announced that a climate summit would be held at the UN in September 2019 and suggested that concrete proposals and initiatives be prepared.

Xi Jinping, the Chairman of the People's Republic of China, drew attention to the priority of moving along the path of green development, noting the need for proper coordination between the economy, society and the environment.

These statements made by participants of the St. Petersburg International Economic Forum (SPIEF) demonstrate the high relevance of the environmental issues in the context of sustainable development for many countries and global community as a whole.

## 4. Expert Opinion

National strategic planning documents often define sustainable development priorities in vague terms. Specific mechanisms for priorities implementation are missing, ignored, or criticized. Opponents believe that the concept of sustainable development lacks scientific evidence, with its main provisions being unattainable "slogans"<sup>7</sup>.

Strategic planning documents have multiple gaps. There is a number of common objective reasons for the low efficiency of sustainable development principles and priorities implementation at the national and global levels.

- ▶ First, the study of global natural and ecological processes, including analysis of natural quasi-cyclical climate change and the transboundary chemicals transfer in the atmosphere, is not paid due attention.
- ▶ It is impossible to move past empty political declarations on harnessing global processes without solid scientific backing. As a result, the declared goals of neutralizing

<sup>6</sup> 19,000 people from 145 countries participated in the St. Petersburg Economic Forum in 2019.

<sup>7</sup> Rational use of nature: international programs, Russian and foreign experience. Series «Sustainable development: problems and prospects». Russian Academy of Science. 2010.

global threats are not achieved. In 1970–2000, the growth of greenhouse gas emissions into the atmosphere was 1.3% per year, in 2000–2010 it reached 2.2% per year<sup>8</sup>.

▶ Second, the tremendous technological progress is mostly focused on satisfying the consumer market and maximizing financial gains. Under these circumstances, competition for the use of ecosystems resources is increasing. Environmental management assumes a resource-depleting pattern. The preservation of most valuable natural spaces and their ecological and economic functions is not recognized as a core priority under the current state and corporate governance regimes.

▶ Third, the liberal development model, which disregards the causal relationships in the nature-man-economy system, prevails both in national jurisdictions and in world politics.

Under sectoral policies, natural resources and population are viewed as material factors of production that are also shaping consumer market. Mechanisms for public participation in the development of strategic and corporate decisions are either defective or absent. The regulation of compensation for environmental damage, resulting from economic activity, is also imperfect.

▶ Fourth, the depletion of natural resources is becoming a key factor in global transformations affecting interstate relations. Individual resource-importing countries seek to elevate their own raw materials dependence-related problems to the level of major international policy issues, to hinder other countries development, to gain access to raw materials sources at any price, and benefit more than resource-owning countries.

Fifth, the determination of sustainable development priorities is dominated by the sectoral approach. We accumulate fragmented knowledge, while diagnostic analysis of the entire “nature – society – economy” system is nonexistent. This results in strategic planning gaps. Environmental management approaches and environmental security policies and measures traditionally are traditionally formed once socio-economic development programs are adopted and economic decisions are made. The structural, functional, zonal parameters of the ecosystems, as well as assimilation capacity, which determines their revival and self-purification ability against human-generated impact, are disregarded.

## 5. Priorities and Methods In Solving Environmental Problems

UN strategic document “Transforming our world: the 2030 Agenda for Sustainable Development” contains 169 targets. In particular, in this timeframe it is necessary to:

- ▶ achieve universal and equitable access to safe and affordable drinking water for all;
- ▶ strengthen resilience and adaptive capacity to climate-

- ▶ related hazards and natural disasters in all countries;
- ▶ protect marine and coastal ecosystems;
- ▶ restore degraded land and soil etc.

These tasks are to be solved in conditions of global transformation, related to shifts in natural, ecological, economic, demographic and other parameters.

Governments and parliamentarians, peoples of different countries are facing serious challenges. In these conditions, purposeful and effective work is needed to create basic institutional framework for the practical solution of environmental problems at the national and supranational level.

The elaboration of priorities and methods to ensure environmental safety, consistent with the laws of the biosphere functioning, is universally relevant for all countries, regardless of their development level. The following priorities and solutions for systemic environmental problems are proposed by experts:

**Priority 1** – developing national economies, forming regional natural-economic systems within the economic capacity of large ecosystems.

The formation and functioning of large ecosystems is largely determined by the energy and matter transfers between terrestrial and marine ecosystems (for example, the water cycle in the riverine and marine basins).

The concept of large ecosystems management has been introduced in a number of countries. In the United States, ecoregions were identified within the framework of cross-realm terrestrial and marine (aquatic) planning<sup>9</sup>. In Western Europe, regulation focuses on “integral regions”. An example of an integral area is the North Sea Basin, which spans across terrestrial and marine areas of several states. The management tools are the joint basin environmental protection program and the marine spatial planning schemes.

This experience is relevant for all coastal states lacking coordination of programs for the integrated management of riverine basins and marine domains, having marine spatial planning regulated by sectoral regulatory documents.

Zoning is applied in compliance with the norms of land and urban planning legislation. This legislation allows to redesignate the land use, based on the needs of socio-economic development or in the event of commercial interest.

There are three centers (large areas) of environmental destabilization on Earth: North American, European and Southeast Asian.

<sup>8</sup> *United Nations Environment Programme (UNEP). Executive Summary // Bridging the Emissions Gap: A UNEP Synthesis Report. — Nairobi, Kenya : UNEP, November 2011. — P. 8. — ISBN 978-92-807-3229-0. UNEP Stock Number: DEW/1470/NA; International Energy Agency (IEA). Executive Summary (English) // World Energy Outlook 2011. — Paris, France: IEA, 2011. — P. 2. Achieved copy accessed on the 19th of October 2013 via Wayback Machine.*

<sup>9</sup> *Interim Framework for Effective Coastal and Marine Spatial Planning. Interagency Ocean Policy Task Force / The White House Council on Environmental Quality, 2009. Following ecoregions identified according to their physiographic and hydrographic characteristics: Northeast, Mid-Atlantic, South Atlantic, Great Lakes, Caribbean, Gulf of Mexico, West Coast, Alaska.*

**Priority 2** – determining tools for ecological zoning to rationally use and protect the land (territorial zones).

The term "territorial ecological zoning" is not enshrined in legislation. As a result, actual ecosystems, their units (taxa), and components (biocenoses, biotopes), which are united by a system of energy and matter transfer processes, are not recognized as objects of zoning. Depending on the geographical latitude and types of landscape zones, the ability of ecosystems and their components to self-repair and self-purification varies widely. The process may take from a few years to hundreds of years or more. This aspect is not considered in the project activities, in territorial, social and economic development planning.

National practices apply directive or indicative approaches to strategic planning. Directive planning supposes that current trends will continue in the future. Indicative planning is based on the analysis of particular and aggregated indicators that do not fully characterize the real state of ecological systems.

It is necessary to use tools for ecological zoning of the territory and give an objective and comprehensive assessment of the structural and functional characteristics of natural territories and objects in order to achieve sustainable use of natural resources.

In a number of countries, tightening of environmental regulations has led to the withdrawal of large-scale production from inland to coastal areas. As a result, industrial and municipal wastewater gets straight into the open ocean.

**Priority 3** – determining the objects, least resistant to anthropogenic impacts natural and their assimilation capacity, which indicates the state of transboundary ecological systems.

In many countries, geographical and hydrographic network peculiarity<sup>10</sup> is that their land areas are surrounded by inland and marginal seas. There are also basins with internal drainage (Lake Baikal, the Caspian Sea, the Aral Sea and others). These water bodies are completely or partially isolated from the World Ocean. In Africa, the Middle East and Southeast Asia, water resources in the basins of large rivers are used by many countries simultaneously. Accordingly, the ecological condition of the territories and water areas largely depends on the regulation of economic activities in the watersheds, the water and hydrochemical regime of the rivers, and the assimilation potential of the mouth areas of rivers, lakes, inland and marginal seas.

National laws, interstate treaties, and practices of transboundary water management lack clear definitions of the structural and functional features of ecological systems, as well as criteria and regulations for ensuring their safety (security) based on an assessment of the assimilation capacity of vulnerable natural objects. For example, the Federal Law of 01.05.1999 No. 94-FZ "On the Protection of Lake Baikal" does not specify that preserving the quality of

<sup>10</sup> It's typical for Russia, Western and Eastern Europe.

the water resource and biological diversity of a unique lake is of primary importance in regard to the conservation of the environmental complex located in the catchment area. The legislation does not take into account the transborder transfer of pollutants to Lake Baikal from the territory of another state.

In order to diagnose the transboundary water basins condition and deliver well-coordinated regulations, it is necessary to combine the efforts of scientists and engineers from different countries in order to implement joint environmental programs.

**Priority 4** – determining quasi-cyclic climatic changes.

Inland water bodies of the arid zone and arctic natural landscapes serve as indicators of global changes in the climate system.

Two multi-year cycles of change in the level of the Caspian Sea took place in the 20<sup>th</sup> century (this object has no hydraulic connection with the World Ocean). The amplitude of the sea level in these cycles ranged from 2.5 to 4 meters<sup>11</sup>. Researchers from the Lomonosov Moscow State University found out that the amplitude of fluctuations in the level of the Caspian Sea reached 8 meters during the last 2,500 years. The multiyear (intra-century) and inter-century changes of the climate system are the main factors of such dynamics.

The warming in the Arctic was recorded in 1920-1930. Signs of cooling appeared after 1940s. Cooling in the early 1980s of the 20<sup>th</sup> century was yet again replaced by warming<sup>12</sup>.

Policies and programs designed to respond to potential climate change should take into account not only the results of digital modeling of the expected climate, but also the objective paleogeographic and historical knowledge.

## 6. The Change of the Ecological Paradigm of Social Development

The main trend of modern development is formation of technological platforms uniting inter-sectoral specialists and transforming industry standards and structures prevailing in the use of natural resources and economics.

There is an interdisciplinary diffusion of knowledge and technology. The world of physical economics, the digital and biological worlds are coming together. New technologies accelerate the dynamics of social development. They become available and provide communications at the international level as well as form new favorable conditions for combining efforts of a wide range of state and non-state actors in order to find solutions and harmonize socio-economic and environmental priorities.

<sup>11</sup> Long-term observations of the hydrometeorological service.

<sup>12</sup> Data from the Arctic and Antarctic Research Institute of Roshydromet (The Federal Service for Hydrometeorology and Environmental Monitoring), St. Petersburg.

Current environmental problems are the result of "linear production models" used for a long historical period. Environmentalists in many countries (including Russia) consider production and consumption waste to be secondary raw materials which should be processed on a mandatory basis.

"Circular economy" implies a continuous turnover of technical and biological materials. The transition to "circular economy" will contribute to the sustainable use of natural resources and the preservation of the environment.

The implementation of the approaches mentioned above will require a review of standards and priorities in the environmental, economic, social and ethical spheres.

National environmental legislations tend to be archaic with regard to the application of environmental quality standards. The pollution control system based on the "maximum permissible concentration" (MPC) indicator is not able to prevent the degradation of ecosystems at an acceptable level. MPC is defined as the "critical load of a single pollutant". MPC does not reflect the real state of transformations occurring in the ecosystem under the influence of many factors. There are other conflicts of laws and methodological limitations that restrict the establishment of safe use and protection of valuable natural areas.

These issues motivate scientists and parliamentarians from different countries to join forces and identify new approaches, norms, and mechanisms for solving environmental problems.

It is crucial to develop the global partnership with the consideration of the structural and functional characteristics of the biosphere.





# ***ROUND TABLE***





**ROLE OF YOUTH  
IN THE  
DEVELOPMENT OF  
PARLIAMENTARISM:  
EXPERIENCE  
AND  
PRIORITIES**

## 4

## THE ROLE OF YOUNG PEOPLE IN THE PARLIAMENTARY DEVELOPMENT: EXPERIENCE AND PRIORITIES

Today, national and international level governance structures are facing an important task, namely to update the mechanisms intended to solve the problems of young people, so that they would suit the demands of the new generations.

The first international youth organizations started to appear in the mid-twentieth century; recommendations on present-day national youth policy were first formulated by the UN in the 1960s. In fact, these practices, which involve the participation of young citizens in the solution of the issues of concern to them, still apply in different variations.

Establishment of public youth organizations and their consultative cooperation with the authorities on both the international and national level is encouraged. Most often, such advisory councils are created under the legislative authorities. At the same time, youth organizations in a number of countries can actively participate in the practical implementation of the policy at a local level, and at the national level, act as structures coordinating the “field work”.

When establishing communication with young people, governments and businesses have to take into account not only the interests of young people in general, but also the features characteristic of individual generations, in particular, the “millennials” (Y) and “linksters” or “iGenerations” (Z). Both of these generations have the digital technology at their fingertips, are able to perceive large amounts of information, want to learn new things and are focused on the global problems of modernity.

The susceptibility of the Y and Z generations to global problems is actively used by international organizations that implement youth support programs. A steady trend in this area is the involvement of young people in solving environmental, social, cultural and even political problems at all levels; in this way, the attention of the most active part of society is drawn to this agenda, and young people feel involved in the common welfare. Similar work is being done at UNESCO, OSCE, and the Council of Europe.

The international parliamentary youth movement provides active young citizens with a platform for discussing and articulating their interests, the possibility of cooperation with the “grownup” parliaments. It is a learning and career development mechanism for the Y and Z generations.

At the same time, it is especially important that modern youth forms a global democratic space, due to the fact that in most countries youth parliamentarianism exists at all levels, from local to international, as well as due to the all-penetrating digitalization.

International youth cooperation within the framework of international organizations is also widespread.

At the same time, in the sphere of relations between government and youth, a whole range of issues remains unsolved:

▶ The fact that representatives of Generation Y still

constitute too modest a share in governance structures, including parliaments, attracts criticism of international organizations. Representatives of these generations themselves are not happy with this state of affairs;

- ▶ Even in advanced democracies, youth parliaments have not yet developed into venues truly representing the interests of young people; rather, they are discussion clubs and educational platforms where young people learn the basics of parliamentary processes, exchange their experience, and meet experienced deputies. It is argued that youth parliaments reproduce the bureaucratic system and, therefore, are criticized for their “isolation from life” and being of no use to the society;
- ▶ The system of youth parliaments in many countries is actually opposed to a large number of NGOs, which, as a rule, do not have the ability to interact in a systematic way with the authorities, but are addressing specific problems of society;
- ▶ The national-level interaction of parliaments with youth organizations, as well as international events, is often evaluated as “decorative”, with no tangible practical consequences. In many ways, the spread of such assessments is due to a lack of information about such events;
- ▶ Despite the commonness of youth parliaments and the activity of other youth public structures, only a small proportion of young people are actually directly involved in their activities.

As a result, under the present conditions, the setting of goals and objectives of youth policy at all levels, as well as the bulk of the work for its implementation, remains a “grownup matter”. With all the hardware and managerial advantages of such a traditional approach, it has a significant drawback: the politicians’ audience feel excluded from the political process, feel frustrated with their civic and political involvement. Thus, an important task for national parliaments and international parliamentary structures is the development of mechanisms for more active and real involvement of the Y and Z generations in political decision making and implementation.

### Issues and Questions

- ▶ Are universal recommendations concerning youth policy still relevant?
- ▶ How can international approaches to youth policy be transformed, taking into account the changes of the younger generations themselves?
- ▶ How can legislative structures use the features of Y and Z generations to establish effective and mutually beneficial communication with them?
- ▶ Is it advisable to reduce the age barriers to political participation in today’s context (taking into account

the characteristic features of the Z generation)?

- ▶ Do we need to revise the age range of young people and how can it be achieved?
- ▶ How can the widest possible participation of young generations in discussion and decision-making be stimulated by legislative means?
- ▶ How can local activists and NGOs be encouraged to participate in policy-making, interaction with youth parliaments and authorities?
- ▶ How can the legislature strengthen international relations among national NGOs dealing with similar issues?
- ▶ Which new directions of international youth cooperation are the most fruitful from the point of view of the young people themselves?
- ▶ Are youth parliaments an effective tool for implementing youth policy under the current situation?
- ▶ Is the youth parliament an adequate form of young people's political socialization?
- ▶ What are the prospects for the development of the legal status of youth parliaments: should they be empowered with the right of legislative initiative, and should the legal definition of the concepts "youth parliament", "deputy of the youth parliament" be improved?
- ▶ How can the proportion of young deputies in parliaments be increased?

## AREAS OF ACTIVITIES:

- ▶ Establishment of digital platforms for discussion of legislative initiatives;
- ▶ Expanding the use of direct democracy elements at the local level;
- ▶ Empowering public youth organizations with the authority to implement policies;
- ▶ Project approach in collaboration with youth organizations..

## Young Generations: Main Factors and Challenges

### Youth Policy Recipients

Despite the fact that there is no generally accepted age framework for the precise definition of "youth" (14-16 to 24-35 years old according to various data, which differs from country to country), the essential characteristics of this social group are the same throughout the world.

First of all, young people are people undergoing the transition from childhood to adulthood. This feature indicates the ambivalent position of young people around the world: on the one hand, they do not yet possess the full range of mature human resources (education, material and financial support, social status, life experience), and on the other hand, they are energetic, motivated, receptive to new technologies and interested in the future.

One approach to a more precise definition of "youth" is the generation theory developed by historians William Strauss

and Neil Howe. Despite the fact that the theory was created in America, this approach to the periodization of generations has spread throughout the world and is particularly often used in describing the last four generations<sup>1</sup>:

- ■ ■ ■ Generation X (1961-1981),
- ■ ■ ■ Generation Y, millennials (1982 to 2004, in Russia 1987 to 2004),
- ■ ■ ■ Generation Z, linksters (from 2005).

Thus, speaking of young people, researchers, politicians and international institutions most often imply generations Y and Z. Interest in the studies of psychology, socio-cultural and political orientations, economic behavior of young people, which appeared in the mid-twentieth century and continues to this day, allowed the authors to identify a number of special characteristics of people belonging to each of them.

### Generation Y

- ▶ They grew up overprotected by their parents, and they maintain strong ties with their family for a long time;
- ▶ Confidence in communication technology;
- ▶ Multitasking abilities;
- ▶ The desire to "stand out from the crowd", a craving for diversity;
- ▶ Late maturity;
- ▶ Inflated career expectations.

### Generation Z

- ▶ They cannot imagine their life without information technologies;
- ▶ Adapted to uncertainty;
- ▶ Interest towards science;
- ▶ Motivation to address global challenges, "change the world for the better";
- ▶ Orientation to a healthy lifestyle, naturalness;
- ▶ Independence, individualism.

## Challenges Confronting the Youth

Generation Y is considered the most well studied from a socio-psychological point of view among other demographic groups. This is due to the growing demand for sociological data about this generation from politics and business. Millennials already make up a significant share of the labor market and electoral base. It is important for political technologists, marketers and employers to understand their life values, interests and problems.

The results of the Global Millennial Study 2019 performed by Deloitte are noteworthy. The task was to identify what

<sup>1</sup> The dates by W. Strauss and N. Howe are cited, but they may differ in other studies.

worries people born in 1984 to 2002 in various countries, including Russia. The results show that young people in Russia are characterized by a more consolidated opinion on the most important problems of our time. Both for the Russian millennials and for young people all over the world, the first places in the ranking are occupied by global socio-economic problems which are now the focus of interest of international organizations.

Another indicator of the Deloitte study is the level of optimism of the millennial generation. On a scale from 0 (absolute pessimism) to 100 (absolute optimism), the world average is at the level of 39, that is, closer to the pole of pessimism. Researchers note that the most optimistic people live in emerging market countries, while European millennials tend to be pessimistic.

At the international level, it is recognized that a number of problems are specific to young people or are particularly relevant to young people. The UN highlights a list of the most significant areas of concern and threats to the well-being of young people around the world.

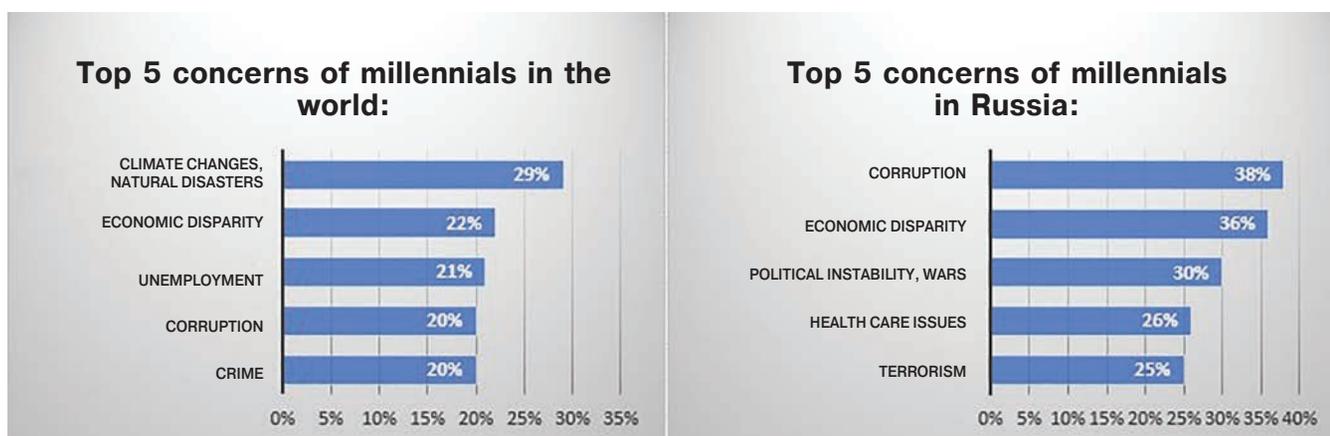
## Global Institutions and Youth Policy

On international level, youth policy is dealt with by a number of structures. The approaches of the key organizations are represented below:

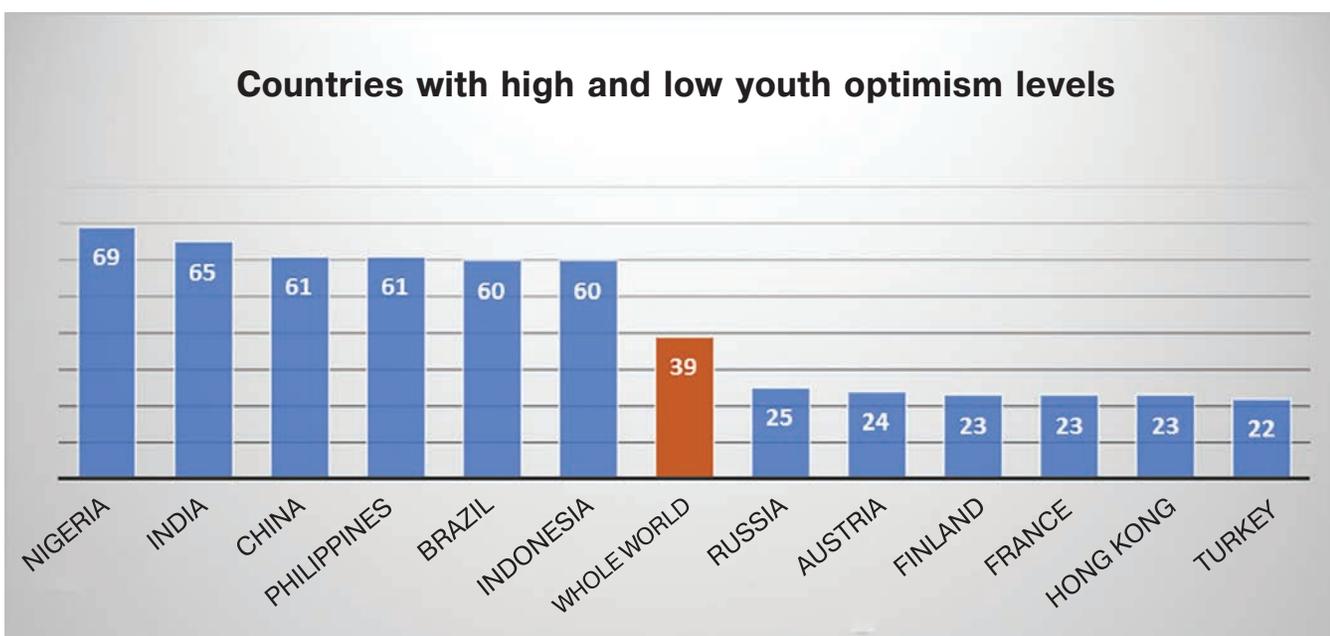
### UN

The organisation perceives youth as people aged 15 to 24.

The problems of youth at the international level began to be discussed at the instigation of the UN. In 1965, the Organization published Declaration on the promotion among youth of the ideals of peace, mutual respect and mutual understanding between peoples. This declaration was followed by other declarative documents dedicated to safeguarding the rights of young generations and to their development.



Источник: Deloitte, The 2019 Global Millennial Survey



Source: Deloitte, The 2019 Global Millennial Survey

ADVANCED ECONOMIES	ОБЩИЕ ПРОБЛЕМЫ	EMERGING ECONOMIES
√ Environment	√ Health	√ Hunger and poverty
√ Information and communication	√ Juvenile delinquency	√ Armed conflicts
	√ Substance use	√ Education
	√ Leisure activities	
	√ Relations with older generations	
√ Participation in social life and decision making	√ Gender issues	√ Globalisation
	√ HIV/AIDS proliferation	
	√ Employment	

It is noteworthy that the UN itself has no permanent youth program established, but the Organization holds an annual Youth Forum. In addition, targeted events dedicated to youth topics, including international conferences, are held regularly. The UN works with both national governments and with the authorities at the local level. At the same time, **young people at risk**, that is, the most socially unprotected groups of youth are the Organization's focal point.

In 2016, the United Nations Office on Drugs and Crime and the Administration of the Brazilian Federal District signed an agreement to promote sports as a tool to prevent crime and drug addiction among young people. The agreement is part of the UNODC global program and is based on the idea of using sport as a source of positive social motivation

## UNESCO

The United Nations Educational, Scientific and Cultural Organization has a special youth program. UNESCO interprets the age range of young people more broadly than the UN, given the differing national approaches to the definition of this concept.

UNESCO's support of young people is based on the "Operational Strategy for Youth for 2014-2021". The strategy sets three organizational issues of top priority:

- ▶ **Development of youth policy at the international level** (UNESCO carries out counselling and provides platforms for international pooling of experience on the development and implementation of inclusive national youth policy);
- ▶ **Assistance in developing the potential of young people to prepare for adult life** (UNESCO, in conjunction with national governments, youth NGOs and research organizations, develops programs aimed at developing education and science, preparing young people for professional activities and participation in public life);

- ▶ **Ensuring civic awareness and democratic participation of youth, development of social innovations** (UNESCO is engaged in expert informational support of youth policy at the national and international scale).

## OSCE

The OSCE has established a special youth program, and the Organization does not define youth as a specific age group.

The OSCE focuses on protecting young people, countering and preventing extremism and radicalization that lead to terrorism, promotes intercultural and interfaith dialogue, educational agenda, values of tolerance and non-discrimination, and active involvement in political life. OSCE has its permanent field structures in the form of advisory youth policy groups at its missions in Albania, Serbia, Kosovo, Bosnia and Herzegovina, as well as at the OSCE Program Office in Astana.

## Council of Europe

The youth policy within the Council of Europe is carried out by the Congress of Local and Regional Authorities. The organization also does not set age limits for young people, but it is assumed that the policy is aimed at people aged 18 to 30.

Since October 2014, the Congress invites young people from different regions of Europe to participate in debates during its sessions. Youth representatives choose one person from each country from among activists of youth organizations. The young people who work efficient enough are invited to take part in the local implementation of practical projects from among the priority agenda of the Congress. For this end, the CE provides both expert support and assistance in interacting with regional and local authorities.

The Council of Europe's priority in this area is to promote young people's more active engagement in social and political life and political decision-making. The scope of this work is outlined both in special sections of the seminal documents of the Council of Europe, and in various reports on youth issues.

## CIS

In the CIS, a special Council on Youth Affairs has been operating since 2005. Public organizations of the member countries dealing with youth issues are represented there. The Council's activities are based on the International Youth Cooperation Strategy of the CIS countries adopted until 2020.

## European Young Generation Forum

The European Young Generation Forum embraces 41 youth organizations of the European level and 40 national youth councils (including the National Council of Youth and Children's Associations of Russia).

It is an organization specializing exclusively in the youth agenda. The forum is an association of youth movements from European countries. Its objectives are:

- ▶ Enhancing the participation of youth organizations in politics;
- ▶ Institutional and functional development of the youth organizations themselves;
- ▶ Assistance with socio-economic challenges of young people (primarily, employment issues);
- ▶ Protection of young people's rights;
- ▶ Conjugation of youth and environmental agendas.

To this end, the Forum performs information and analytical work and passes the results over to its member organizations, as well as to the general public (for example, analysis of the youth segments of programs of various political parties and associations participating in elections); takes part and organizes political and cultural events; seeks to promote its position in the documents of the Council of Europe.

## Youth Policy and National-Level Organizations

National youth policy is understood in modern practice as a system of national priorities and actions aimed at the provision of conditions and opportunities for successful socialization and effective self-realization of young people, as well as the development of its potential in the national interests.

It is understood that such a policy will contribute to the overall development of the country and its social, economic and cultural potential; will contribute towards

public consolidation, unleash its creative potential, increase competitiveness and, as a consequence, strengthen national security and increase the welfare of the country as a whole.

The main directions of youth policy throughout the world are: **education, employment, health, leisure, and involvement of the young generation in the country's political and social life.**

There are two approaches to youth policy:

- ▶ The first approach is recognition of young people as a special category; accordingly, it involves identification of specific challenges faced by them, and the ways to deal with those challenges, also at the legislative level;
- ▶ The second approach focuses on the creation of youth infrastructure, but does not mean recognition of young people as a specific target group, and therefore does not imply creation of nation-wide strategies to support young people and establishment of official agencies that would provide such support

At present, the first approach prevails throughout the world, largely due to international effort in this area.

Within the Deloitte study mentioned above, millennials were asked which organizations and public institutions should address the current problems of young people. It is evident that, both in the whole world and in Russia, the younger generation assigns the leading role in solving these problems to the Government and the scientific expert community.

Thus, it is possible to speak about the existence of a formalized public demand for the authorities to develop strategies and to take effective measures to support young people.

## Legislative Support of Youth Policy in the World

Tellingly, in most countries of the world protection and support of young people is fixed at the legislative level: either in the Constitution of the country (as, for example, in Italy, Spain, Portugal, Germany, Croatia, India, etc.) or in statutory instruments (in most countries, for example, in Australia, Great Britain, Canada, France, etc.), or in the form of a special law ("On Youth", "On Youth Policy", etc., such legislation has been adopted in Germany, the Netherlands, Finland).

Also, in a number of countries special purpose national programs are being implemented to address the problems faced by youth in certain areas. For example:

- ▶ In France, there are targeted programs to ensure the rights of young generations in the labor market, to support entrepreneurial and cultural projects;

International youth cooperation which is carried out under the auspices of the CIS, is mainly of a humanitarian nature. International events have become its regular feature: the Slavic Commonwealth camp, the Lomonosov scientific forum, the Dialogue of Cultures and Friendship Without Borders forums, scientific and cultural contests and festivals (for example, the Delphic Games of the CIS), the gathering «Days of the Youth of the Commonwealth».

▶ In the UK there is a special program aimed at successful socialization of troubled youth, as well as at adequate exercise of the right of children and young people for education;

▶ The Active Citizens program is being implemented in Finland; its main goal is to involve young people into the socio-political sphere.

According to these documents, the main vectors of youth policy in most countries are:

- ▶ Arrangement of conditions for efficient and comprehensive development of young people;
- ▶ Stimulation of young people's social activity, support of youth organizations and initiatives;
- ▶ Protecting young people from negative social, political, economic and ideological factors;
- ▶ Informing young people about their rights and prospects for social development, promoting their integration into society and involvement into socio-political sphere.

## Youth Authorities

Policy was established, which began to perform functions of control and assistance in the implementation of federal youth programs. At the national level, relevant structures were also established to implement the programs on the local level. In addition, community councils have become a tradition at all levels of government. In schools and universities, elements of self-government have been introduced, which allows the younger generation, political recipients, to be involved in taking practical decisions.

For European countries, a more characteristic approach is the one where the state assumes significant obligations and, accordingly, authority for social security, assistance and support for youth initiatives.

Government machinery of European countries, as a rule, includes agencies (often, several ministries) responsible for youth policy. In addition to official structures, nonprofit organizations are involved in the formulation and implementation of youth policy.

Thus, in Germany, youth policy is implemented by the Ministry for Family Affairs, Senior Citizens, Women and Youth, which works in cooperation with the Federal Youth Council

and other public organizations. These NGOs are funded from the national budget.

In France, the Ministry of Youth and Sports teamed with a number of other departments is responsible for implementing youth policy. The Minister also heads the National Youth Council, which brings together representatives of various NGOs and is supposed to make its own proposals for policy formulation and implementation.

In both France and Germany, this model extends to regional-level government as well.

In the Netherlands there is a specialized Ministry for Youth and Family Affairs. One of its main tasks is to involve non-governmental public organizations and experts in the joint solution of issues relating to youth.

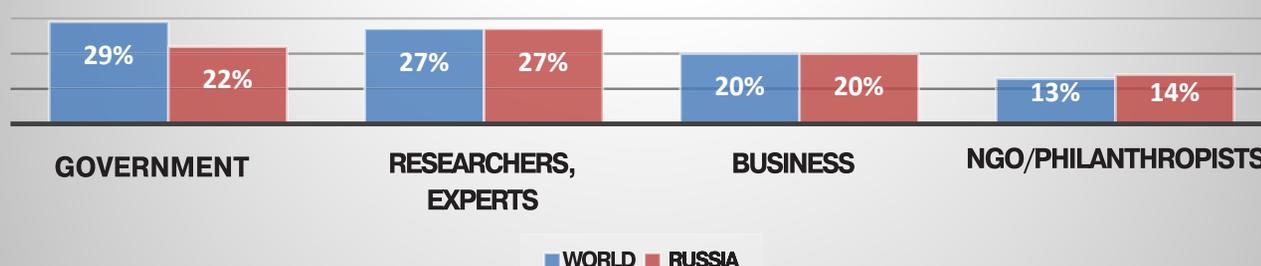
Poland is one of the few countries in the world where there is no special agency among the system of national-level regulatory agencies that would deal with youth issues. However, taking into account the fact that the rights of younger generations are clearly formulated at the legislative level, virtually every governmental department includes structural units responsible for youth policy. In addition, at the regional level, a variety of commissions and councils are established for the implementation of youth policy.

Outside Europe, most countries have also adopted a model close to the European one. For example, in New Zealand, as a result of several reorganizations in the system of executive power, a special Ministry of Youth Affairs appeared. In addition to the tasks typical for such an authority, the Ministry also coordinates the regional network of commune youth councils, advisory bodies whose members belong to the younger generation (aged 12 to 24).

In India, as in many other countries, the authority to implement youth policy is divided between the Ministry of Youth and Sport and a number of other executive authorities. The largest volunteer organization in India, Nehru Yuva Kendra Sangathan, which was established in the early 1970s to support young people, collaborates with line ministries.

Australia is an example of a model where a significant role in monitoring the implementation of youth policy, spotting

### WHO SHOULD DEAL WITH THE CHALLENGES THAT YOUNG PEOPLE ARE FACING?



and solving youth challenges is assigned to independent ombudsmen (they are called commissioners and work in all states).

## Youth Policy in the CIS Countries

In the post-Soviet space, youth policy has been traditionally receiving increased attention at the national level. In all CIS countries, relevant statutes (or approved government strategies) have been adopted, and there are dedicated executive authorities to implement youth policy.

For example, in Azerbaijan, Armenia, the Republic of Moldova and Tajikistan, youth policy issues are the responsibility of the Ministries of Youth and Sports. In Belarus and Kazakhstan, the relevant department operates within the Ministry of Education. In the Kyrgyz Republic there is an Agency for Youth, Physical Culture and Sports.

In Russia, executive functions are divided between the Department for National Youth Policy and Social Projects in the Field of Higher Education of the Ministry of Science and Higher Education and the Federal Agency for Youth Affairs (Rosmolodezh).

In a number of CIS countries there are special advisory bodies playing a significant role in the formation of national policy:

- ▶ In Armenia, since 2009 there is a Council on National Youth Policy under the Prime Minister. Its task is to improve efficiency of the national youth policy, to stimulate the engagement of young people in social and political life. The Council includes equal number of representatives of public authorities and non-governmental organizations involved in national youth policy issues.
- ▶ Kazakhstan has a Youth Policy Council under the President of the Republic. The Council also includes representatives of both public authorities and youth organizations of Kazakhstan.

In addition, **in all CIS countries there are numerous public organizations that unite young people or serve their interests.**

In Russia, at the federal level alone, there are more than 15 large youth associations with non-political goals (operating as umbrella structures for NGOs), about 20 political organizations, including youth "wings" or branches of political parties, as well as many regional public organizations. In general, according to the official statistics (Rosstat Agency), there are tens of thousands public organizations in Russia whose goals are related to supporting younger generations, upbringing and health support of young people and children. At the same time, there is no separate statistics for youth organizations.

## Youth Parliamentarism

The young generation's notion that its role and representation in politics are insufficient is backed up by the data of the

Inter-Parliamentary Union<sup>2</sup>. According to this organization, in 2018, **people under 30 accounted for only 2.2% of the total number of parliamentarians in the world.** Even parliamentarians under 40 all over the world account for the meager 15.5%. At the same time, there is a positive trend: the share of the younger generations in parliaments is slowly increasing: as far back as 2014, there were only 1.6% of parliamentarians under 30 in the world and the share of parliamentarians under 40 was 12.9%.

Nevertheless, while youth problems are solved by politicians belonging to older generations, there is a risk of misunderstanding between the parties leading to such social phenomena as young people's lack of trust in politics, disappointment, feeling unwanted and unable to fulfill themselves (for instance, according to a survey of the Russian Public Fund opinions of 2016, 60% of Russians from 18 to 30 years old are sure that "it is difficult for young people to come into their own").

According to the Inter-Parliamentary Union, a little more than 40% of parliaments around the world establish committees or other parliamentary groups that specialize in lawmaking in the field of youth policy.

However, in many countries the underrepresentation of younger generations in the legislative sphere is compensated by the establishment and functioning of youth parliaments: they exist in 72% of countries.

The history of youth parliamentarism stretches back for over a century. The Young Citizens movement that emerged in the city of St. Louis in the USA in 1915 is considered the "prototype" of the modern youth chambers. The goal of the movement used to be solving of social issues at the city level, but gradually the scope of the organization's activities expanded, other public institutions joined it, a network of similar social structures in other cities began to form, and the organization itself began to be called the St. Louis Youth Chamber of Commerce. This experience quickly entered the practice of other states - first Canada and the UK, then Latin American countries. Since the 1940s, the organization became known as the **Junior Chamber International** and has regularly held congresses. At present, the organization is an associate member of the United Nations and proclaims the goal of its activities to revitalize the youth movement around the world, developing leadership qualities, social responsibility, partnership and entrepreneurship among young people.

In Europe, the modern youth parliamentary movement began to take shape in the early 1990s, when the Council of Europe adopted a European charter on the participation of young people in the life of municipal and regional entities. The Charter emphasized that in order to successfully implement youth policy, municipalities and other local entities should create institutions that would allow the younger generations to be widely involved in discussions on important issues and decision-making processes affecting young people.

With the development of the youth parliamentary movement, a culture of its interaction with the authorities

<sup>2</sup> Inter-Parliamentary Union is an international organization dealing with parliament-level cooperation issues in 179 countries.

In Russia, national youth policy is determined by a package of statutory instruments and is aimed at citizens aged 14 to 30.

In 2014, following public discussion, the Government approved the “Fundamentals of the Official Youth Policy until 2025”, which establishes the goals of youth policy traditional for such documents: enhancement of personal fulfillment opportunities for young people, unlocking their potential for the country’s development and promoting the integration of younger generations into society. In addition, most of the constituent entities of the Russian Federation have adopted laws directly dedicated to young people.

The coordinator of the youth policy issues in the Russian Federation is the Federal Agency for Youth Affairs (Rosmolodezh). The Agency, as a federal executive authority, acts as a mediator between the state, youth and public organizations.

A number of federal ministries, including the Ministry for Science and Higher Education, the Ministry for Labor and Social Protection, and the Ministry for Health, are also involved in the implementation of youth policy.

Sufficient powers to implement national policy have been transferred to the regional level.

The Federal Agency for Youth Affairs has five subordinated organizations established to support the younger generations in various areas:

- ■ ■ ■ Russian Center for Promoting Youth Entrepreneurship
- ■ ■ ■ Russian Center for Civil and Patriotic Education of Children and Young People
- ■ ■ ■ Youth Resource Center
- ■ ■ ■ Russian Children’s and Youth Center
- ■ ■ ■ Center for Support of Youth Creative Initiatives

An example of the Agency’s community service is the Equal Dialogue project which regularly holds meetings of young activists with people from the Government, businessmen, culture workers, opinion leaders, etc. at the regional level.

at all levels of government and in all spheres, as envisaged by the Charter, began to take shape.

## Inter-Parliamentary Organizations: The Experience of Youth Involvement

The Inter-Parliamentary Union (IPU) is making significant efforts to involve young people in inter-parliamentary activities on a global scale.

In 2013, the Young Parliamentarians Forum was established under the IPU. The purpose of the forum is to promote young people’s involvement in parliamentary activities around the world. Its latest session was held at the 138th Assembly of the IPU in Geneva, where they discussed the current youth agenda, the priorities of the activities of youth organizations and parliamentary structures, the contemporary global issues.

The European Youth Parliament (EYP) was founded in 1987 by the Fontainebleau Youth Foundation (France). Its goal is to involve young people in the European integration processes, to protect the interests of young people. Today, the EYP is one of the largest platforms in Europe (35 countries) for political debates, international meetings, political and educational work and the exchange of views among young people. Under its auspices, more than 120 events a year are held throughout Europe, and about 250 delegates take part in annual international sessions. In addition to international sessions, national committees of member countries of the EYP organize local events such as regional sessions and youth forums. The activities of the EYP at the international level are carried out with the support of the Schwarzkopf Youth Foundation. Official

Russian delegations participated in the EYP sessions from 2002 to 2014. Currently, Russia’s participation in this organization is suspended.

The Youth Inter-Parliamentary Assembly of Member Nations of the Commonwealth of Independent States (YIAMN CIS) was established by resolution of the Council of the CIS Inter-Parliamentary Assembly in 2012 as a permanent consultative body of the Assembly. The YIAMN CIS is formed by youth parliamentary delegations of the CIS member states.

In 2015, at the initiative of the Youth Parliament of the State Duma, an Agreement on cooperation between youth parliamentary structures in a number of Eurasian countries (Russia, Armenia, Belarus, Tajikistan) was signed. In accordance with the document, a permanent youth inter-parliamentary coordination body was established for cooperation of youth parliaments of the Eurasian countries:



# 40.7%

Less than half of the chambers analyzed have a **committee** or parliamentary body whose name explicitly refers to ‘youth’.



# 72%

Youth parliaments exist in 72 per cent of the countries surveyed, some with formal ties to the national **parliament** but most coordinated by **non-governmental organizations, government ministries, schools or other local authorities.**

One of the solutions to the problem of youth underrepresentation in national parliaments is to **harmonize the minimum age for voting with the minimum age for election**, which will ensure greater involvement of young people in parliamentary activities. **Quotas** will be another tool. In a number of countries, a certain number of parliamentary seats are “reserved” for young deputies. For example, in Uganda, youth representatives are guaranteed 5 seats in parliament. In the National Assembly of Kenya, 12 seats are reserved for deputies nominated by political parties to represent the interests of special groups, in particular, youth, the disabled, and workers. In Morocco, the election law provides for 30 seats for candidates under the age of 40. In Rwanda, the National Council for Youth Affairs elects two members of the Chamber of Deputies.

the Eurasian Dialogue Council of Youth Parliaments.

The main goal is exchange of experience between youth parliamentary structures, the study of legislative practice, along with development and implementation of socially significant projects and programs.

In 2018, nonprofit and youth organizations of Moldova, Kyrgyzstan and Kazakhstan joined the work of the Eurasian Dialogue.

The idea of the forum of young parliamentarians of the BRICS countries was first discussed on the margins of the BRICS youth summit in 2017 in Beijing. In 2017, within the framework of the 137th IPU Assembly in St. Petersburg, the first Forum of young parliamentarians of the BRICS countries was held. The final document of the forum included recommendations on the development of youth parliamentary, economic and digital diplomacy, as well as the initiative to establish the International Association of Young Parliamentarians.

## National Practices

The UK Youth Parliament<sup>3</sup> was established by the House of Commons in July 1999. Any citizen from 11 to 18 years old can participate in elections. The number of deputies from each constituency depends on the number of young people living there (for example, 4 deputies are elected from Warwickshire, whereas only one is elected from Southampton). In total, more than 369 deputies are elected. The term of office is one year. All young parliamentarians meet at the annual meeting of the UK Youth Parliament. They discuss five questions chosen by young people from all over the country, and then select two priorities for the coming year. UKYP participate in the annual debate in the House of Commons.

In the UK, there are also youth parliaments of Scotland and Wales. The Scottish Youth Parliament was formed in 1999. Elections are held every two years. In total 200 people are elected. The age of members varies from 14 to 25 years. Members of parliament represent all constituencies of the country, as well as several national public organizations. The Scottish Youth Parliament holds three meetings per year. Every year, deputies choose the priority theme of their work, the “National Campaign”.

In June 2018, the Welsh Youth Parliament was established by the National Assembly for Wales. It consists of 60 young people aged 11 to 18 years. Elections will be held every two years through online voting. At the first ever session of the Youth Parliament, more than 40% of its members supported

emotional and mental health support as a priority topic<sup>4</sup>.

The Greek Youth Parliament was established in 1994 as a youth parliamentary organization, and consists of 300 people aged 17 to 25. Members of the Parliament are selected on the basis of an essay contest. 258 people are elected from Greece, 20 from Cyprus and another 22 from other countries with a large Greek community. Sessions are held once a year in the national parliament of Greece. The structure of the Youth Parliament repeats the structure of the national one.

Latvian Youth Parliament is a projection of the national parliament. Any young person aged 15 to 20 who resides permanently in the Republic of Latvia has the right to run for elections to the Youth Parliament. For this, the candidate has to register their profile on a special website. Each candidate runs on an individual basis, registering a draft for a presentation at the Youth Parliament. 100 young people from the Youth Parliament whose ideas have received the most votes gather for a meeting in the Latvian Saeima. Declarations adopted by the Youth Parliament are advisory in nature and are passed over to the relevant commissions and factions of the Saeima.

In certain European countries, the work of youth parliaments is organized in the form of educational projects or simulation games that copy the functionality of the national parliaments.

In Austria and Portugal, youth parliaments function as educational projects. However, these countries have other institutional channels through which young people can influence the political agenda.

In countries outside Europe, for instance in Australia and New Zealand, youth parliaments are traditionally more politically active; they implement various programs, act as negotiating platforms with the authorities, and take part in the discussion of legislative initiatives affecting the interests of younger generations.

The Sri Lankan Youth Parliament has 335 members. 500 thousand members of youth organizations and clubs throughout Sri Lanka elect parliamentarians during nationwide polls. Twice a month, young parliamentarians meet in the capital of Sri Lanka and discuss current issues, observing the work of the national parliament. Youth parliamentarians can be members of the national parliament committees and consult with the deputies. The recommendations of the youth

<sup>4</sup> Sources: <https://eacea.ec.europa.eu/national-policies/en/content/youthwiki/53-youth-representation-bodies-united-kingdom-scotland>; <https://eacea.ec.europa.eu/national-policies/en/content/youthwiki/53-youth-representation-bodies-united-kingdom-wales>.

<sup>3</sup> The UK Youth Parliament (UKYP).

parliament regarding youth policy are taken into account by the national parliament.

The National Youth Assembly of South Korea, founded in 2003, is supervised by the National Assembly of Korea and has the authority to submit draft laws directly to parliamentary committees. Members of the Assembly (80 seats) are elected once every two to three years by direct vote of citizens aged 13 to 25 years.

In the 2000s, the parliamentary movement actively developed in the post-Soviet space as well.

In Kazakhstan, elections were held in the Youth Parliament similar to the elections to the Mazhilis. Per se, elections have become a tool for the development of electoral technologies by young parliamentarians. The youth parliament began to operate alongside the Mazhilis making its own legislative proposals, including amendments to the law of Kazakhstan "On youth policy".

The Youth Parliament of Azerbaijan was established in 2007 after a formal agreement between the country's national parliament and UNICEF. It consists of 85 members, each of whom is elected in school elections held in each district of the country. The young deputies meet several times a year for sessions with experts and politicians organized by UNICEF.

The diversity of youth parliaments of the world can be divided into the following generalized types:

- ▶ Youth parliaments established under legislative bodies (Great Britain, New Zealand, Russia);
- ▶ Youth parliaments or youth governments established under the executive branch (Egypt);
- ▶ Youth Parliament as a social program of the legislative or executive authorities in liaison with youth public associations (Germany, Australia);
- ▶ Youth Parliament as nonprofit organization (Mexico, Peru).

Youth parliaments also differ by:

- ▶ Age: with a focus on the adolescent and youth age group 11 to 19 years old (United Kingdom) or on teenagers and young adults 17 to 30 years old (Greece, Russia);
- ▶ Formation: election by youth directly, election by youth NGO or formation by administrative means;
- ▶ Term of office and regularity of meetings: functioning on an ongoing basis for a fixed period, or periodically convened sessions;
- ▶ Institutional status: the deliverables can be of a recommendatory nature and will be taken into account by the national parliament up to the right of legislative initiative or they can pursue solely educational purposes.

## Youth Parliamentarism in Russia

The institutionalization of youth parliaments in Russia came at the beginning of the 2000s, when a series of All-Russian forums of young parliamentarians were held, the Concept of youth participation in the development of Russian territories was adopted together with the Recommendations on the interaction of youth parliamentary structures with election commissions of various levels. These documents

became the basis for the modern development of the parliamentary movement among the youth.

One can conditionally distinguish three stages in the development of youth parliamentarism in Russia:

1) From early 1990s until 2002: independent, often chaotic regional development formed a socio-political regional base for youth.

2) From 2002 to 2006, the federal Youth Parliament was created, and the process of consolidating youth parliaments at the legislative level began in the regions.

3) From 2006 till today, the process of improving the mechanisms for the formation of youth parliaments has been underway.

Youth parliaments in Russia operate at three levels: federal, regional and municipal.

As of 2018, **regional youth parliaments** have been established in 81 constituent entities of the Russian Federation. In 11 of those constituent entities, youth parliaments have the **right of legislative initiative**.

**Youth parliaments of the municipal level** have been established in more than 1,900 Russian municipalities.

The **total number of young parliamentarians** in Russia exceeds 42,000 people.

The main forms of work of regional youth parliaments are:

- ▶ Development of legislative proposals and initiatives,
- ▶ Organization of discussion platforms;
- ▶ Teaching political technologies to young people;
- ▶ Informing young people about the governmental activities

Every year, young parliamentarians take part in election campaigns at various levels. They regularly bring in bills.

The Youth Public Chamber at the Legislative Assembly of the Jewish Autonomous Region has initiated 15 laws of the region (8 of them are still in force).

Youth parliaments of the Kaluga and Orenburg regions put forward a proposal to ban the sale of "vape" smoking appliances to minors, which was actively supported by parliamentarians in other regions. In some regions of the country, relevant laws have been passed.

In the Magadan region, thanks to the initiative of the Youth Parliament, a regional law on young specialists was adopted. The law guarantees support for young people enrolling for work in remote areas. There is also a law on student support, extending benefits for students.

The youth parliament under the State Council, Khase of the Republic of Adygea, initiated changes to the law on state youth policy, which guarantees state aid for youth volunteer movements and student labour teams..

## Federal-Level Youth Parliaments

On the federal level, two youth parliamentary structures are available.

**The youth parliament at the State Duma** (originally, the Public Youth Chamber at the State Duma) was established in 2001. It consists of representatives of regional youth parliaments.

Among other things, the youth parliament deals with discussion and promotion of initiatives by regional youth parliamentary structures and public organizations. Regular outreach activities are held in the regions.

Since 2013, the Youth Parliament has been implementing several large projects. For the purpose of patriotic education, enhancement of historical awareness and countering attempts to “rewrite history”, young parliamentarians hold tests on the history of the Fatherland and the history of the Great Patriotic War (the history of the victory over fascism). More than 1.5 million people from 52 countries of the world have taken the test.

The Youth Team of the Country project helps young people (regardless of their political affiliation) to gain knowledge and skills for conducting election campaigns. In 2017, 126 project participants became deputies of municipal representative bodies.

The Public and Private Partnership in Providing Young Families with Dwelling Apartments project is aimed at supporting young people who wish to obtain housing. During the project implementation, the project managed to coordinate support at all levels of government, and to involve banking organizations. In the Republic of Buryatia, Molodost (“Youth”) settlement was erected. Project participants, 636 young families and specialists, live there.

The second federal structure is the **Chamber of Young Legislators of the Federation Council**. It was formed in 2012 after the abolition of the Youth Parliamentary Assembly of the Council of Federation (a consultative body on interaction with the youth parliaments of the constituent entities of the Russian Federation and youth public associations of Russia). Now the Chamber is a permanent advisory body to the upper house of the Russian parliament. It is formed from young deputies of the legislative assemblies of the regions and representative bodies of municipalities under the age of 35.

The regulations of the Chamber state that the Chamber and the Council of the Federation work in close coordination, the deputies of the Chamber are notified about the legislative projects of the Council of the Federation and can attend its meetings.

## Parliamentary Events for Young People

Upon recent initiatives of the State Duma of the Russian Federation, the interaction of the parliament and the younger generations has been significantly intensified. In particular, the current, 7th session of the State Duma initiated a number of large-scale events for young Russian and foreign activists.

In November 2017, the first All-Russian Youth Forum of the State Duma was held. 423 delegates from 80 regions took part in the Forum, not only representatives of youth parliaments and young parliamentarians, but also activists of civic movements, young scientists, bloggers and journalists. The Chairman of the State Duma Vyacheslav Volodin who was opening the forum, proposed to make this practice-oriented interaction format annual:

*“Let’s try and find solutions to issues of youth and housing policy, digital economy, education, employment. Today you will act as experts, and tomorrow, perhaps, your proposals could be implemented in the form of laws. But for this to happen, they must be well-founded and practically feasible”.*

In October 2018, the first **International Congress of Youth Parliaments** was launched by the State Duma, in which 57 delegates from 31 countries took part.

In December 2018, the **International Forum of Young Lawmakers “Development Strategy: A Challenge to the Young”** was held. Opening the forum, State Duma Chairman Vyacheslav Volodin announced that the event was to become annual. At the Forum, leaders of factions, heads of relevant Duma committees, representatives of relevant Russian ministries and departments met with young parliamentarians from the regions whose projects and legislative initiatives had passed the professional selection by experienced experts.

Thus, the 7th State Duma has currently become a popular permanent platform for international dialogue in the field of youth policy.

In September 2018, the State Duma made important changes to the schedules of the Youth Parliament:

- Parliament membership has tripled: in addition to 82 representatives from regions of Russia, the parliament enrolled 85 representatives of the deputy corps of municipalities, one from each constituent element of the Federation, as well as 85 student self-government leaders.
- The youth parliament now has three deputies from the youth branches of political parties with representation in the State Duma.
- The maximum permissible age for the deputies of the youth parliament has been reduced from 35 to 30 years old. This was done in order to bring into greater compliance the age limit of youth adopted in Russia and the age of the Youth Parliament members.





# ***ROUND TABLE***



**INTERNATIONAL  
HUMANITARIAN LAW  
AND HUMANITARIAN  
COOPERATION:  
THE ROLE  
OF PARLIAMENTS  
AND INTER-  
PARLIAMENTARY  
INSTITUTIONS**



## ROUND TABLE: INTERNATIONAL HUMANITARIAN LAW AND HUMANITARIAN COOPERATION: THE ROLE OF PARLIAMENTS AND INTER-PARLIAMENTARY INSTITUTIONS

### Problems and Perspectives for Humanitarian Law Development at Present Stage. Legal Voids in National and International Law

Under conditions of growing conflict potential in the world and active development of breakthrough military technologies changing the warfare character, the problem of adaptation of the rules of the international humanitarian law (IHL) to the trends emerging in the armed conflict evolution, and ensuring strict observation of the IHL rules by all military action participants, becomes particularly acute.

Prohibition of cyber attacks against the civil population and civil infrastructure

A few priority trends in the IHL development and strengthening can be distinguished:

Protection of the civil critical infrastructure is seriously impeded due to the close interconnection between the military and civil networks<sup>1</sup>.

Restriction of remote and autonomous weapons systems<sup>2</sup>.

There are no international monitoring mechanisms allowing to establish responsibility for cyber attacks against the civil population, indiscriminate and disproportional cyber attacks.

In 2017, the group of governmental experts of signatory states to the Inhumane Weapons Convention of 1980 initiated a dialogue on the development of international standards in the sphere of lethal autonomous weapons systems (LAWS) and the applicability of the current IHL rules to highly autonomous weapons.

<sup>1</sup> Speech of P. Maurer, President of the International Committee of the Red Cross at the International Conference "The 150th Anniversary of the St. Petersburg Declaration Renouncing the Use, in Time of War, of Explosive Projectiles: New Context, Undiminished Relevance". Saint-Petersburg, 2018. URL: <http://iacis.ru/upload/medialibrary/e18/rech-prezidenta-mkkk-petera-maurera.pdf>

In 2018, the group prepared the report comprising 10 LAS guidelines.

All developments in the sphere of military artificial intelligence must be performed in accordance with the IHL, and responsibility for their application must be always borne by man<sup>2</sup>

There is still controversy in the approaches to the international legal regulation in this sphere and to defining its principal notions. 35 countries are committed to complete prohibition of autonomous weapons<sup>3</sup>.

Restriction of wide-area explosive weapons use in cities

In 2017, for the first time, more than half of fatalities from explosive weapons were due to air attacks. The number of civilians killed by explosive weapons grew by 42% – up to 15.4 thousand – with the overwhelming majority killed in cities<sup>4</sup>.

It is necessary to tighten requirements to the selectivity of weapons used in city fights and establish effective international mechanisms for monitoring compliance therewith.

Enhancing protection of military journalists

Despite the fact that military journalists are protected by IHL, 75% of murders of journalists are related to their professional duties performance in armed conflict areas<sup>5</sup>.

<sup>2</sup> Report of the 2018 session of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems. 23 October 2018. URL: [https://www.unog.ch/80256EDD006B8954/\(httpAssets\)/20092911F6495FA7C125830E003F9A5B/%24file/CCW\\_GGE.1\\_2018\\_3\\_final.pdf](https://www.unog.ch/80256EDD006B8954/(httpAssets)/20092911F6495FA7C125830E003F9A5B/%24file/CCW_GGE.1_2018_3_final.pdf)

<sup>3</sup> Kozyulin V. B. *Lethal Autonomous Weapons Systems: Problems of Modern International Legal Regulation and Prospects for Their Solution* / V.B. Kozyulin // *International Life*. – 2019. – No. 2. P. 82-94.

<sup>4</sup> SIPRI Yearbook 2018. *Armaments, Disarmament and International Security*. - Stockholm International Peace Research Institute. URL: <https://www.sipriyearbook.org/view/9780198821557/sipri-9780198821557-chapter-2-div1-009.xml>

<sup>5</sup> *World Trends in Freedom of Expression and Media Development-2014*. UNESCO, 2014. P. 11

with a great share of deliberate murders<sup>6</sup>.

Enhancing protection of cultural heritage sites

The problem of protection of cultural heritage sites in armed conflicts is still acute. The dedicated Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and Convention Concerning the Protection of the World Cultural and Natural Heritage (1972) apply.

In 2015, the UN Security Council passed Resolution 2199 prohibiting trade in cultural property from Iraq and Syria, and in 2017 – Resolution 2347 considering all possible acts threatening the cultural heritage during conflicts<sup>7</sup>. Further improvement of the mechanisms of cultural heritage protection is required.

Ensuring delivery of humanitarian aid and humanitarian services' access to the civil population in zones of conflict

A typical example of the relevant IHL principles violation is obstruction, on the part of the US armed forces units illegally deployed on the territory of Syria, of humanitarian columns' access to the Rukban refugee camp and prevention of refugees evacuation from the camp along humanitarian corridors<sup>8</sup>. Due to the US actions, the camp population was in fact held hostage by terrorist formations harbored in the zone of American control around the settlement of At-Tanf.

Harmonization of the national approaches to organization of acceptance of refugees and recognition of their international legal status

There are 68 million displaced persons including 25.4 million refugees in the world. In the recent 10 years, their number grew by more than 50%, having been growing by 9.5%<sup>9</sup> every year for the last 5 years. There are still essential differences in the national approaches to organization of refugees acceptance procedure and determination of their status, what became especially obvious during the migration crisis in the EU.

<sup>6</sup> Khason H.D. *International Legal Problem of Journalists Protection in Armed Conflicts* / H.D.Khason. – Ph.D. thesis in Legal Science. Peoples' Friendship University of Russia (RUDN), 2018. URL: <http://dissovet.rudn.ru/web-local/prep/rj/dis/download.php?file=25a6bd0fc69665b93fd09ec50b521f718858> p.92.

<sup>7</sup> Resolution 2347 (2017) passed by the UNSC at its 7907th meeting on March 24, 2017. URL: [https://undocs.org/ru/S/RES/2347\(2017\)](https://undocs.org/ru/S/RES/2347(2017))

<sup>8</sup> Comment of the Department of Information and Press of the Ministry of Foreign Affairs of Russia on the situation around the Rukban camp of internally displaced persons in Syria. 10.12.2018. URL: [http://www.mid.ru/web/guest/foreign\\_policy/news/-/asset\\_publisher/ckNonkJE02Bw/content/id/3438615](http://www.mid.ru/web/guest/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/3438615)

<sup>9</sup> Global Trends. *Forced Displacement in 2017*. UNHCR – The UN Refugee Agency. URL: <https://www.unhcr.org/5b27be547.pdf>

Strengthening of control over IHL rules observation by private military companies and other non-governmental armed formations

A separate problem is the IHL politicization and attempts to use it as a reason for violation of fundamental rules of the international law and justification of armed interventions.

It is necessary to prohibit any "humanitarian interventions" not authorized by the UNSC and to counteract any non-governmental organizations' international provocations in zones of conflict under the guise of humanitarian missions.

Considerable damage to international organizations' reputation in the sphere of monitoring the IHL observation has been caused by the activities of pseudo-humanitarian organizations created for the purpose of information war, in particular, against the Government of Syria. A blatant case is the White Helmets non-governmental organization connected with international terrorist organizations and security services of some countries which many times faked use of chemical weapons against the civil population and committed other military crimes<sup>10</sup>.

Digital technologies for editing video and audio materials based on artificial intelligence will allow, in the foreseeable future, to fabricate hardly verifiable compromising materials.

Western countries' leading mass media widely use disinformation groundlessly accusing the Russian Aerospace Forces of violating the IHL in the course of Aleppo liberation operation in 2016, while hushing up the Raqqa civil population mass fatality due to the non-selective mass air attacks of the coalition led by the USA in 2017.

<sup>10</sup> Criminal activities of the White Helmets organization are analyzed in detail in the 250-page report presented in 2019 by the Foundation for the Study of Democracy under the title "The White Helmets Organization: Terrorist Accomplices of and a Source of Disinformation" See the Speech of Ambassador A. I. Antonov at M. S. Grigoryev's press-conference. The Ministry of Foreign Affairs of Russia. 06.05.2019. URL: [http://www.mid.ru/web/guest/maps/us/-/asset\\_publisher/unVXBbj4Z6e8/content/id/3634771](http://www.mid.ru/web/guest/maps/us/-/asset_publisher/unVXBbj4Z6e8/content/id/3634771)

## Significance of the International Humanitarian Law in the Context of Growing Negative Trends in International Relations

The vibrant system of the IHL is to become a potential deterrent limiting the risk of armed conflicts uncontrolled escalation under the nowadays conditions of growing instability and conflict potential.<sup>11</sup>

### PREVENTION OF PERMANENT INSTABILITY CENTERS FORMATION

In 2005-2015, the number of the world major armed conflicts grew from 17 to 50<sup>11</sup>. The upward trend in the number of armed conflict victims among civil population also persists, with the share of such victims increased from 5% to 90% in the 20th century.

Civil population mass fatality and critical infrastructure destruction interfere with restoration of peaceful life and political stabilization in post-conflict countries, disrupt economic development and cause lasting poverty.

Destruction of infrastructural and industrial facilities containing hazardous substances, use of depleted uranium ammunition result in many year territory contamination and local population intoxication, give rise to other severe environmental and humanitarian consequences interfering with social and economic development of whole regions.

### Full Implementation of the IHL Rules Allows to

- ▶ reduce the number of military operations victims among the civil population;
- ▶ mitigate the humanitarian consequences of armed conflicts;
- ▶ prevent formation of permanent centers of instability;
- ▶ reduce the medium for international terrorism, extremist ideology and organized crime in post-conflict regions;
- ▶ make the refugee problem less acute.

<sup>11</sup> SIPRI Yearbook 2006. Armaments, Disarmament and International Security. – Stockholm International Peace Research Institute. URL: <https://www.sipri.org/sites/default/files/2016-03/YB06mini.pdf> p.3; SIPRI Yearbook 2016. Armaments, Disarmament and International Security. - Stockholm International Peace Research Institute. URL: <https://www.sipri.org/yearbook/2016/06>

### PREVENTION OF NON-GOVERNMENTAL VIOLENCE ESCALATION

Simultaneously with the growing threat of major interstate conflicts, **a persistent trend for security privatization and expansion of participation in armed conflicts of non-state actors** – private military companies, terrorist organizations and insurrectionary movements – is observed.

In the latest 6 years, more armed groups appeared in the world than in the previous 60 years<sup>12</sup>. Conflicts at the interstate level are superseded by strife between non-governmental structures.

Ensuring compliance with the IHL rules by armed conflicts non-state participants and limitation of the states' use of non-governmental structures for military purposes are important conditions for the conflict potential reduction. The revolution in the military arts determined by the rapid development of lethal autonomous weapons systems and cyber war technologies creates risks of catastrophic humanitarian consequences of their combat use<sup>13</sup>.

The USA and the NATO countries actively increase their offensive cyber capabilities by establishing specialized centers of information operations<sup>14</sup>, doctrinally justify their right to cyber war without the UN SC authorization, as well

Efficient application of the IHL rules in the sphere of cyber operations is an essential condition for prevention of major interstate conflicts.

as the right to solely determine persons responsible for cyber attacks.

### REDUCTION OF THE THREAT OF A GLOBAL CONFLICT AND USE OF WEAPONS OF MASS DESTRUCTION

Use of the weapons of mass destruction presents the greatest humanitarian threat. In 1996, the nuclear weapons unique characteristics were recognized by the UN International

<sup>12</sup> *Slit these days, the culture of nuclear taboo is weakening, on Renouncing the Use, in Time of War, of Explosive Projectiles: New Context, Undiminished Relevance*. Saint-Petersburg, 2018. URL: <http://iacis.ru/upload/medialibrary/e18/rech-prezidenta-mkkk-petera-maurera.pdf>

<sup>13</sup> *The Potential Human Cost of Cyber Operations. ICRC Expert Meeting 14–16 November 2018 – Geneva*. URL: <https://www.icrc.org/en/download/file/96008/the-potential-human-cost-of-cyber-operations.pdf>

<sup>14</sup> *Global Security in the Digital Era: New Stratagems for Russia / Under the editorship of A. I. Smirnov*. – M.: All-Russian Scientific Research Institute of Geosystems, 2014. – 394 p.

Court in the Advisory opinion on the Legality of the Threat or Use of Nuclear Weapons<sup>15</sup>. Due to their non-selective effect and exceptional destructive power, use of the weapons of mass annihilation contradicts the basic principles of the IHL.

In these days, the culture of nuclear taboo is weakening.

On the US initiative, demolition of the most important international regimes in the sphere of disarmament and control over weapons of mass destruction is being performed: the USA withdrew from the Joint Comprehensive Plan of Action (JCPOA) on Iran's nuclear program, the Intermediate-Range Nuclear Forces Treaty has been suspended, and the Strategic Arms Reduction Treaty may be terminated in 2021. The USA interfere with the creation of a zone free from weapons of mass destruction in the Middle East and have irrevocably refused to ratify the Comprehensive Test Ban Treaty<sup>16</sup>. The practice of involving non-nuclear NATO states in training of practical skills in handling the American nuclear weapons deployed on such states' territories, which is a gross violation of the fundamental principles of the Treaty on the Nonproliferation of Nuclear Weapons, is continued<sup>17</sup>.

At the same time, the USA support active work of their foreign military biological centers including those located by the Russian borders. In particular, on the base of the laboratory of high-level biological protection in the suburb of Tbilisi, researches for using insects as carriers of especially dangerous biological and infectious agents are being conducted. The USA do not provide information on the dual

Taking into account the high tempos of biological technologies development, there is a highly probable threat of the development and use of selective effect biological weapons against certain ethnic groups, biological agents use for disruption of agricultural production and food security of certain countries.

<sup>15</sup> Report International Humanitarian Law and Challenges of Modern Armed Conflicts. The 32<sup>nd</sup> International Conference of the Red Cross and Red Crescent. Geneva, Switzerland, December 8–10, 2015. URL: [https://www.icrc.org/ru/download/file/20891/mezhdunarodnoe\\_gumanitarno\\_e\\_pravo\\_i\\_vyzovy\\_sovremennyh\\_konfliktov.pdf](https://www.icrc.org/ru/download/file/20891/mezhdunarodnoe_gumanitarno_e_pravo_i_vyzovy_sovremennyh_konfliktov.pdf) p.71.

<sup>16</sup> Comment of the Department of Information and Press of the Ministry of Foreign Affairs of Russia in connection with the US report on compliance with the agreements and obligations in the sphere of arms control, disarmament and nonproliferation (ACDNP). The Ministry of Foreign Affairs of Russia, 05.05.2019. URL: [http://www.mid.ru/web/guest/situacia-vokrug-dogovora-o-rsmd/-asset\\_publisher/ckorjLVlkS61/content/id/3633105#10](http://www.mid.ru/web/guest/situacia-vokrug-dogovora-o-rsmd/-asset_publisher/ckorjLVlkS61/content/id/3633105#10)

<sup>17</sup> Speech of the Head of the delegation of the Russian Federation, Director of the Department for Nonproliferation and Arms Control of the Ministry of Foreign Affairs of Russia V. I. Yermakov at the final meeting of the Preparatory Committee of the Conference of 2020 dedicated to consideration of the Nuclear Nonproliferation Treaty application, New York, May 10, 2019. URL: [http://www.mid.ru/obycnye-vooruzeniya/-asset\\_publisher/M1JdOT56NK1k/content/id/3640182](http://www.mid.ru/obycnye-vooruzeniya/-asset_publisher/M1JdOT56NK1k/content/id/3640182)

purpose activities conducted at this facility as part of measures for strengthening of trust under the Biological and Toxin Weapons Convention<sup>18</sup>.

**Application of IHL rules to the programs involving weapons of mass destruction is to ensure their maximum transparency and limit to the maximum any possibilities of their use in armed conflicts.**

## Role of Inter-Parliamentary Cooperation in the Development of the International Humanitarian Law

Parliaments play an important role in the development of the IHL rules and organization of control over compliance therewith at the national and international levels.

### Role of Parliaments in the IHL Rules Implementation

- ▶ the main functions of parliaments in this area;
- ▶ creation of the national IHL legal base;
- ▶ ratification of international treaties in the sphere of IHL;
- ▶ parliamentary control over the IHL rules implementation;
- ▶ support of IHL training programs for military servicemen and employees of national security, defense, and law enforcement agencies and population education<sup>19</sup>.

## The Inter-Parliamentary Union Experience in the IHL Development

Problems of the compliance with the IHL rules are touched upon by many inter-parliamentary organizations during the work of their assemblies, committees, and monitoring missions. The leader in this sphere is the IPU which, in 2008, established a special, consisting of 12 members, Committee for the Support of Compliance with the IHL which holds 3 meetings every year and monitors observation of the Geneva conventions, protection of the rights of refugees and

<sup>18</sup> Comment of the Department of Information and Press of the Ministry of Foreign Affairs of Russia in connection with the US report on compliance with the agreements and obligations in the sphere of arms control, disarmament and nonproliferation (ACDNP). Ibid.

<sup>19</sup> Parliamentarians' Role in the International Humanitarian Law Implementation. Advisory Service on the International Humanitarian Law. International Red Cross. 2018. URL: [https://www.icrc.org/ru/download/file/88863/180481\\_factsheet\\_-\\_parliamentarians\\_2018\\_rus\\_revised\\_by\\_ihl.pdf](https://www.icrc.org/ru/download/file/88863/180481_factsheet_-_parliamentarians_2018_rus_revised_by_ihl.pdf)

displaced persons in zones of conflict, and organizes field missions<sup>20</sup>.

The IPU also actively develops interaction with the International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies, and the UN Refugee Agency. In collaboration with the ICRC, a special detailed IHL manual is published for parliamentarians in five languages<sup>21</sup>.

Quite a few IPU resolutions are dedicated to the IHL problems and expansion of parliamentarians' role in the IHL development and application control, including resolutions “Co-operation for world and regional security and stability, as well as for respect for all forms of the sovereignty and independence of States” (1997)<sup>22</sup>, “The prevention of conflicts and the restoration of peace and trust in countries emerging from war; the return of refugees to their countries of origin, the strengthening of democratic processes and the hastening of reconstruction” (1998)<sup>23</sup> and “The role of parliament in respecting the principle of non-intervention in the internal affairs of States” (2017)<sup>24</sup>.

The IPU especially emphasizes the non-admissibility of the IHL politicization and use for justification of military interventions without the UN SC authorization

The IPU is endeavoring to use the parliaments' resources for limiting the dangerous and destabilizing factor of the modern international relations – security privatization and use of private military companies by the states for conducting a hybrid war. In 2019, the IPU passed resolution “Non-admissibility of using mercenaries as a means of undermining peace, international security, sovereignty and the territorial integrity of States, and violating human rights” (2019)<sup>25</sup>.

<sup>20</sup> *Rules of the Committee to Promote Respect for International Humanitarian Law. IPU.* URL: <https://www.ipu.org/file/2708/download?token=DyQN7miO>

<sup>21</sup> *International Humanitarian Law. Handbook for Parliamentarians №25. IPU, ICRC. 2018.* URL: [https://www.ipu.org/file/5058/download?token=5fn8Mx\\_m](https://www.ipu.org/file/5058/download?token=5fn8Mx_m)

<sup>22</sup> *Resolution adopted by the 97th Inter-Parliamentary Conference. Co-operation for world and regional security and stability, as well as for respect for all forms of the sovereignty and independence of states. Seoul, 14 April 1997.* URL: <http://archive.ipu.org/conf-e/97-1.htm>

<sup>23</sup> *Resolution adopted by the 99th Inter-Parliamentary Conference. The prevention of conflicts and the restoration of peace and trust in countries emerging from war; the return of refugees to their countries of origin, the strengthening of democratic processes and the hastening of reconstruction. Windhoek, 10 April 1998.* URL: <http://archive.ipu.org/conf-e/99-1.htm>

<sup>24</sup> *Resolution adopted by the 136th IPU Assembly The role of parliament in respecting the principle of non-intervention in the internal affairs of States. Dhaka, 5 April 2017.* URL: <http://archive.ipu.org/conf-e/136/item4.pdf>

<sup>25</sup> *Resolution adopted by the 140th IPU Assembly. Non-admissibility of using mercenaries and foreign fighters as a means of undermining peace means of undermining peace, international security and the territorial integrity of States, and violating human rights. Doha, 10 April 2019.* URL: [https://www.ipu.org/sites/default/files/documents/item\\_4-resolution-first-committee.ns\\_.pdf](https://www.ipu.org/sites/default/files/documents/item_4-resolution-first-committee.ns_.pdf)

## Inter-parliamentary Cooperation Long-term Tasks in the Sphere of Strengthening the IHL System:

- ▶ collective elaboration and upholding of common approaches to the IHL development;
- ▶ use of the top inter-parliamentary platforms for attraction of the attention of the world public, international professional and political communities to the problems of the IHL as an exceptionally topical branch of the international law;
- ▶ parliamentary support and participation in the process of negotiations on development of the IHL international legal base, including elaboration of new demanded rules and standards of law relating to the use of Special Air Services, cyber operations, city fights, protection of refugees.
- ▶ institution building of reputable, objective, and effective international mechanisms for monitoring of the IHL rules observation<sup>26</sup>, with participation of parliamentarians, as well as independent parliament monitoring and control mechanisms;
- ▶ full counteraction to the double standard practice and political provocations in the humanitarian sphere;
- ▶ promotion of the culture of compliance with the IHL rules on the part of all participants of modern armed conflicts;
- ▶ resolute opposition to the trends of lowering the thresholds for using weapons of mass destruction, dilution of the nuclear nonproliferation regime, requirement for increasing transparency of military biological programs;
- ▶ complex comparative analysis, identification of gaps, enhancement and harmonization of the current rules of the national law in the IHL sphere, with close coordination and best practices exchange;
- ▶ activation of interaction with the scientific and expert community on the topics related to the IHL system development.

<sup>26</sup> *The Hague Convention for the Pacific Settlement of International Disputes (1907) provided for a mechanism of International Investigation Commissions*