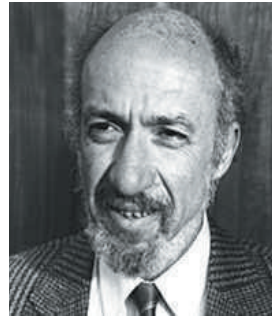


Toward Global Parliament*

by

Richard Falk & Andrew Strauss

Richard Falk is the Albert G. Milbank Professor of International Law and Practice, Emeritus and Professor of Politics and International Affairs, Emeritus at the Woodrow Wilson School, Princeton University. He is the author of numerous books and articles including *Law, War, and Morality in the Contemporary World*; *Human Rights and State Sovereignty*; and *Revitalizing International Law*, and editor or co-editor of more than twenty books. He has been a Guggenheim Fellow, the Olaf Palme Visiting Professor in Stockholm. He holds a J.S.D., Harvard University.



Andrew Strauss is the Professor of International Law at Widener University School of Law. He previously served as a Fulbright Fellow in Ecuador, and taught on the Law Faculty at the National University of Singapore. Professor Strauss has practiced international and corporate finance law in New York for the law firms of Shearman & Sterling and Graham & James. He has numerous published articles in the Harvard and Stanford journals of international law, the International Herald Tribune, the Financial Times, and Foreign Affairs. He holds degrees from Princeton and NYU School of Law.

**Reprinted by permission of Foreign Affairs, Vol. 80, No. 1, Jan./Feb. 2001 by the Council on Foreign Relations, Inc.*

READER on Second Assembly Proposals

CHALLENGING THE DEMOCRATIC DEFICIT

One crucial aspect of the rising disaffection with globalization is the lack of citizen participation in the global institutions that shape people's daily lives. This public frustration is deeper and broader than the recent street demonstrations in Seattle and Prague. Social commentators and leaders of citizens' and intergovernmental organizations are increasingly taking heed. Over the past 18 months, President Clinton has joined with the secretary-general of the United Nations, the director-general of the World Trade Organization (WTO), the managing director of the International Monetary Fund (IMF), and the president of the World Bank to call for greater citizen participation in the international order.

But to date, these parties have not clearly articulated a general vision of how best to integrate a public role into international institutions. So in the absence of a planned design, attempts to democratize the international system have been ad hoc, as citizen organizations and economic elites create their own mechanisms of influence. In domestic politics, interest-group pluralism flourishes within a parliamentary system of representation. In global politics, interest-group pluralism is growing, but no unifying parliament represents the public interest. This state of affairs cannot last in a world where the prevailing understanding of democracy does not accept the fact that unelected interest groups can speak for the citizenry as a whole. Any serious attempt to challenge the democratic deficit must therefore consider creating some type of popularly elected global body. Before globalization, such an idea would have been considered utopian. Now, the clamor of citizens to participate internationally can no longer be ignored. The only question is what form this participation will take.

DECISION-MAKING GOES GLOBAL

Behind this clamor lies a profound shift in power. Thanks to trade, foreign direct investment, and capital flows, globalization is dispersing political authority throughout the international order. International governance is no longer limited to such traditional fare as defining international borders, protecting diplomats, and proscribing the use of force. Many issues of global policy that directly affect citizens are now being shaped by the international system.

Workers can lose their jobs as a result of decisions made at the WTO or within regional trade regimes. Consumers must contend with a market in which state-prescribed protections such as the European ban on hormone-fed beef can be overridden by WTO regulations. Patients who need

medicines pay prices influenced by WTO-enforced patent rules, which allow pharmaceutical companies to monopolize drug pricing. Most of the 23 million sub-Saharan Africans who have tested positive for the AIDS virus cannot afford the drugs most effective in treating their illness. They will die much sooner as a consequence.

For the half of the world's population that lives on less than \$2 a day, governmental social safety nets have been weakened by IMF decisions. The globalized economy has not meaningfully reduced poverty despite a long period of sustained growth. Economic inequality is on the rise, as is the marginalization of regions not perceived as attractive trading partners or "efficient" recipients of investment. Furthermore, environmental trends pose severe dangers that can be successfully dealt with only through global action and treaties. Against such a background, it is little wonder that people who believe they possess a democratic entitlement to participate in decisions that affect their lives are now starting to demand their say in the international system. And global civil society had thus far been their voice as they attempt to have this say.

CIVIL SOCIETY'S GLOBAL PRESENCE

Civil society, made up of nonprofit organizations and voluntary associations dedicated to civic, cultural, humanitarian, and social causes, has begun to act as an independent international force. The largest and most prominent of these organizations include Amnesty International, Greenpeace, Oxfam, and the International Committee of the Red Cross; in addition, the UN now lists more than 3,000 civil society groups.

During the 1990s, these transnational forces effectively promoted treaties to limit global warming, establish an international criminal court, and outlaw antipersonnel landmines. These same actors also helped persuade the International Court of Justice to render an advisory opinion on the legality of nuclear weapons and defeat a multilateral investment agreement. More recently, civil groups mounted a drive to cancel the foreign debts of the world's poorest countries. Although these efforts remain a work in progress, civil society to date has been indispensable in furthering them.

During the early 1990s, civil society's organizations began visibly cooperating at large international conferences of states. When conservative political pressures forced an end to these conferences, civil society began to coalesce to act cohesively and independently in the international arena. For example, 8,000 individuals representing civil society organizations met in May 1999 at The Hague Appeal for Peace to shape strategy and agree

READER on Second Assembly Proposals

on a common agenda. Among those attending were such luminaries as Nobel Peace Prize winners Desmond Tutu, José Ramos-Horta, and Jody Williams. Similar smaller meetings in South Korea, Canada, Germany, and elsewhere followed.

These meetings were a prelude to the Millenium NGO Forum held at the United Nations in May 2000, to which UN Secretary-General Kofi Annan invited 1,400 individuals representing international civil society groups to present views on global issues and citizen participation in decision-making. The forum agreed to establish a permanent assembly of civil society organizations, mandated to meet at least every two to three years, before the UN General Assembly annual session. Although it is still to be realized, such a forum might earn recognition over time as an important barometer of world public opinion—and a preliminary step toward creating a global parliament. Regardless of how this specific forum develops, civil society will continue to institutionalize itself into an independent and cohesive fore within the international system.

THE CORPORATE MOVERS

Through expanding trade and investment, business and banking leaders have also exercised extraordinary influence on global policy. Even in formerly exclusive arenas of state action, these private-sector actors are making a mark. For example, Secretary-General Annan has made “partnering” with the business community a major hallmark of his leadership. The United Nations has now established a formal business advisory council to formalize a permanent relationship between the corporate community and the UN.

As with citizen groups, elite business participation in the international system is becoming institutionalized. The best example is the World Economic Forum in Davos, Switzerland. In the 1980s, the WEF transformed itself from an organization devoted to humdrum management issues into a dynamic political forum. Once a year, a thousand of the world’s most powerful business executives get together with another thousand of the world’s senior policymakers to participate in a week of roundtables and presentations. The WEF also provides ongoing arenas for discussion and recommendations on shaping global policy. It is notable that Annan’s ideas about a UN partnership with the business community have been put forward and endorsed during his frequent appearances at Davos. In addition, the WEF also conducts and disseminates its own research, which not surprisingly shows a consistently neoliberal outlook. For example, it produces a well-publicized annual index ranking the relative economic

competitiveness of all countries in the world. The Davos assembly and overlapping networks of corporate elites, such as the International Chamber of Commerce, have been successful in shaping compatible global policies. Their success has come in the expansion of international trade regimes, the modest regulation of capital markets, the dominance of neoliberal market philosophy, and the supportive collaboration of most governments, especially those of rich countries.

PONDERING A GLOBAL PARLIAMENT

Global civil society still cannot match the resources and power linkages of the corporate and banking communities. But many civil society groups have carved out niches within the international order from which to influence decision-making by relying on imagination and information. The evolution of these two networks—civil and business—has been largely uncoordinated, and it remains unclear how they could fit together in a functionally coherent and representative form of global governance. Neither can claim to represent citizenry as a whole. As global civil society acquires a greater international presence, its critics are already challenging its claims to represent the public interest. The charge of illegitimacy has even greater resonance when leveled at corporate and banking elites, who do not speak for organizations.

Now that the global system is increasingly held up to democratic standards—and often comes up short—those people who find their policy preferences rejected are unlikely to accept the system's determination as legitimate, and the democratic deficit will remain a problem. Only when citizen and business interests work together within an overarching representative body can they achieve policy accommodations that will be seen as legitimate. For the first time, a widely recognized global democratic forum could consider environmental standards and deliberate on economic justice from the perspectives of both North and South. Even an initially weak assembly could offer some democratic oversight of international organizations such as the IMF, the WTO, and the World Bank.

Unlike the United Nations, this assembly would not be constituted by states. Because its authority would come directly from the global citizenry, it could refute the claim that states are bound only by laws to which they give their consent. Henceforth, the ability to opt out of collective efforts to protect the environment, control or eliminate weapons, safeguard human rights, or otherwise protect the global community could be challenged.

In addition, the assembly could encourage compliance with established

READER on Second Assembly Proposals

international norms and standards, especially in human rights. The international system currently lacks reliable mechanisms to implement many of its laws. Organizations such as Amnesty International, Human Rights Watch, and even the International Labor Organization attempt to hold states accountable by exposing their failures of compliance, relying on a process often referred to as the “mobilization of shame.” In exercising such oversight, a popularly elected global assembly would be more visible and credible than are existing watchdogs who expose corporate and governmental wrongdoing.

The assembly’s very existence would also help promote the peaceful resolution of international conflicts. Because elected delegates would represent individuals and society instead of states, they would not have to vote along national lines. Coalitions would likely form on other bases, such as world-view, political orientation, and interests. Compromises among such competing but nonmilitarized coalitions might eventually undermine reliance on the current war system, in which international decisions are still made by heavily armed nations that are poised to destroy one another. In due course, international relations might more closely resemble policymaking within the most democratic societies of the world.

ALL THOSE IN FAVOR

In spite of its advantages, would the formation of such an assembly threaten established state and business interests so much that its creation would become politically untenable? The European Union’s experience suggests otherwise. Established by states—and with little initial authority—the transnationally elected European Parliament has now become powerful enough to help close a regional democratic deficit.

As with the early European parliament, a relatively weak assembly initially equipped with largely advisory powers could begin to address concerns about the democratic deficit while posing only a long-term threat to the realities of state power. Systematic transformation of world order that would largely affect successors would not significantly threaten those political leaders who are inclined to embrace democratic ideals. Indeed, it might even appeal to them.

Despite these humble origins, the assembly would have the potential to become an extremely important fixture of the global architecture. Upon the assembly’s inception, civil society organizations would almost certainly lobby it to issue supportive resolutions. Groups who opposed such resolutions could shun the process, but that is not likely: they would

concede the support of the world's only elected democratic body. Over time, as the assembly became the practical place for clashing interests to resolve differences, formal powers would likely follow.

Some business leaders would certainly oppose a global parliament because it would broaden popular decision-making and likely press for transnational regulations. But others are coming to believe that the democratic deficit must be closed by some sort of stakeholder accommodation. After all, many members of the managerial class who were initially hostile to such reform came to realize that the New Deal—or its social-democratic equivalent in Europe—was necessary to save capitalism. Many business leaders today similarly agree that democratization is necessary to make globalization politically acceptable throughout the world.

As the recent large street protests suggested, globalization has yet to achieve grassroots acceptance and legitimacy. To date, its main claim to popular support is not political but economic: it has either delivered or convincingly promised to deliver the economic goods to enough people to keep the antiglobalization forces from mounting an effective challenge. But economic legitimacy alone can rarely stabilize a political system for long. Market-based economic systems have historically undergone ups and downs, particularly when first forming. The financial crisis that almost triggered a world financial meltdown a few years ago will not be the last crisis to emerge out of globalization. Future economic failures are certain to generate political responses. Standing in the wings in the United States and elsewhere are politicians, ultranationalists, and an array of opportunists on both the left and the right who, if given an opening, would seek to dismantle the global system. A global parliament is therefore likely to serve as an attractive alternative to those people who, out of enlightened self-interest or even public-spiritedness, wish to see the international system become more open and democratic.

MAKING IT HAPPEN

Although the raw political potential for a global assembly may exist, it is not enough. Some viable way needs to be found for this potential to be realized, and it can most likely be found in the new diplomacy. Unlike traditional diplomacy, which has been solely an affair among states, new diplomacy makes room for flexible and innovative coalitions between civil society and receptive states. The major success stories of global civil society in the 1990s—the Kyoto global warming treaty, the convention banning land mines, and the International Criminal Court—were produced in this

READER on Second Assembly Proposals

manner.

Civil society, aided by receptive states, could create the assembly without resorting to a formal treaty process. Under this approach, the assembly would not be formally sanctioned by states, so governments would probably contest its legitimacy at the outset. But this opposition could be neutralized to some extent by widespread grassroots and media endorsement. Citizens in favor could make their voices heard through popular, fair, and serious elections.

Another approach would rely on a treaty, using what is often called the “single negotiating text method.” After consultations with sympathetic parties from civil society, business, and nation-states, an organizing committee could generate the text of a proposed treaty establishing an assembly. This text could serve as the basis for negotiations. Civil society could then organize a public relations campaign and persuade states (through compromise if necessary) to sign the treaty. As in the process that ultimately led to the land mines convention, a small core group of supportive states could lead the way. But unlike that treaty, which required 40 countries to ratify it before taking effect, a relatively small number of countries (say, 20) could provide the founding basis for such an assembly. This number is only a fraction of what would be needed for the assembly to have some claim to global democratic legitimacy. But once the assembly became operational, the task of gaining additional state members would likely become easier. A concrete organization would then exist that citizens could urge their governments to join. As more states joined, pressure would grow on nonmember states to participate. The assembly would be incorporated into an evolving international constitutional order. If it gained members and influence over time, as expected, its formal powers would have to be redefined. It would also have to work out its relationship with the UN. One possibility would be to associate with the General Assembly to form a bicameral world legislature.

The pressures to democratize the international system are part of an evolutionary social process that will persist and intensify. The two dominant themes of the post—Cold War years are globalization and democratization. It is often said that the world is rapidly creating an integrated global political economy, and that national governments that are not freely elected lack political legitimacy. It is paradoxical, then, that a global debate has not emerged on resolving the contradiction between a commitment to democracy and an undemocratic global order.

This tension may be the result of political inertia or a residual belief

that ambitious world-governance proposals are utopian. But whatever the explanation, this contradiction is spurring citizen groups and business and financial elites to take direct actions to realize their aspirations. Their initiatives have created an autonomous dynamic of ad hoc democratization. As this process continues to move along with globalization, pressures for a coherent democratic system of global governance will intensify. Political leaders will find it more difficult to win citizen acquiescence to unaccountable policies that extend globalization's reach into people's lives. To all those concerned about social justice and the creation of a human global order, a democratic alternative to an ossified, state-centered system is becoming ever more compelling.