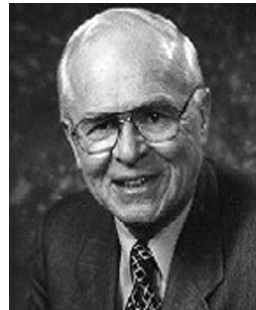


The Case for a United Nations Parliamentary Assembly

by

Senator Douglas Roche, O.C.

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INTRODUCTION

Twenty years ago, I was part of a small group of parliamentarians who held a forum at the United Nations on “The Politics of Human Survival”. This early effort at inter-parliamentary cooperation on the issues of disarmament, development and the environment brought together 55 parliamentarians from 23 countries. The keynote speaker, Saul Mendlovitz, Ira D. Wallach Professor of World Order Studies at Columbia University, shared our sense of “the possibility of enormous human catastrophe” and urged us to become a strong political movement.

The forum was the debut of Parliamentarians for World Order, which evolved into the present-day Parliamentarians for Global Action (PGA), an issue-oriented association of parliamentarians, who try to advance government action on the human security issues. Even at that early date, we saw the need for a UN Parliamentary Assembly, which would be consultative to the General Assembly and meet at least once a year at UN Headquarters.

The idea for United Nations Parliamentary Assembly (UNPA) has no one source. It has been talked about ever since the creation of the United Nations itself. But there is, in the current political context, some movement forward on it. The achievement of the goal is so far in the distance that one can only sketch the most rudimentary outline today. Yet the essence of the idea – that the UN needs a parliamentary wing to more closely reflect the aspirations of “We the peoples of the United Nations” than are now reflected by governments themselves – is so powerful that it should be examined and worked on to further the quickly advancing processes of democracy in the world.

The Inter-Parliamentary Union (IPU), an international organization of 144 Parliaments of sovereign states founded in 1889, has become a strong proponent of the idea and now spearheads an annual meeting of parliamentarians who are otherwise attached to government delegations at the UN General Assembly.

At one of these meetings, December 4, 2001, UN Secretary-General Kofi Annan declared:

“The parliamentary voice – the voice of the people – must be an integral component of the work of the United Nations.”

Since most of today’s challenges have a global dimension, the Secretary-General noted, “you who are schooled in the art of discussion and

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compromise can help the nations of the world rise above their differences and work together.” Moreover, he added, “it is your unique legislative power – not least the power of your purse – that can translate international agreements into action at home, in your communities.”

The prestigious advocacy of the Secretary-General appears to have overcome the resistance of some major governments to any challenge, even an indirect one, to their control of the UN agenda. Within a year, at the 2002 IPU gathering at the UN, where 120 MPs from 34 countries and three regional assemblies engaged in dialogue with senior UN officials, the General Assembly adopted a resolution granting the IPU observer status at the UN. Even permission to “observe,” which does not confer the right to participate actively in UN debates, took years of IPU effort to achieve. The status will allow the IPU to familiarize parliamentarians with UN affairs on a regular basis. This can have significant effect in strengthening international cooperation. As Kamalesh Sharma, India’s former Ambassador to the UN, noted: “The need for cooperation between the United Nations and the Inter-Parliamentary Union is more real now than it has ever been before... Parliaments and the IPU can be a bridge between the global and the local. By mobilising opinion, they can contribute to forging national support for international cooperation.”

The IPU observer status notwithstanding, the establishment of a United Nations Parliamentary Assembly is still far off. But the rising tide of interest is generating a new momentum and the modalities should be studied today. I propose in this paper to look at the contemporary conditions that argue in favour of establishing a UNPA; and then to consider what a UNPA might look like and who its representatives might be.

To begin with, a parliamentary assembly implies democracy. There are possibilities and interpretations as to how, why and to what purpose a UNPA might enhance democracy. The first is to provide transparency, added legitimacy and - presumably - more effectiveness to UN operations themselves. The second would be to address more general issues of global governance that stem from perceptions and conclusions about globalisation. A third reason is linked closely to the desire by some to address a central question of international security: the role that sovereignty and sovereign states may play in preventing universal solutions to questions of basic human rights, peace and security.

The arguments below contain these assumptions in their essence. However, it is understood (perhaps reluctantly) that world federalism and the end of the state system is not in the mainstream political agenda for

a contemporary UN. The objectives of UN reform and addressing issues of international governance are reasonable and feasible in contemporary politics. Implications for a Kantian vision of world federalism can be bruited, but at this point not much more.¹

A UNPA would not be a world parliament, although some supporters and detractors of a UNPA think of it as a step towards a form of world government or global federalism. World government is not a necessary criterion in discussing a United Nations Parliamentary Assembly.²

World government is not the case here. What is at issue is governance, by which is commonly understood to be the regulation of an increasingly complex and interconnected world comprising States, societies, corporations, individuals and epistemic communities.³

The question of a UNPA, then, becomes one relating to a UNPA within the UN system and a UNPA within both the growing interconnectedness of trans-national politics and existing networks of global governance. Governance, transparency, democracy, diplomacy and international norms of behaviour - how states behave when their affairs are so intertwined - these are the issues in the background when discussing the formation of a UNPA.⁴ Specifically discussed below are those aspects of these phenomena that today seem to drive the argument for a UNPA.

INTERNATIONAL GOVERNANCE AND PARLIAMENTARIANS

Globalization and Parliamentarians: a challenge to relevance.

What degree of relevance and importance has parliamentary scrutiny over legislation that is increasingly being developed at the international level? The question has left domestic parliamentarians concerned they may be less effective in doing the tasks for which their legislatures were originally intended.

Leaving aside for the moment the argument that contemporary globalization is a qualitatively new factor in international relations, there remains a substantive argument that recent developments in international relations have changed the dynamics and the procedures of policy-making for some domestic political actors. Arguably, these actors, parliamentarians in particular, cannot adequately provide democratic oversight at the domestic level in the manner originally intended for domestic institutions.⁵ Certain factors have galvanized a call by some to “democratize” the international environment through re-establishing a parliamentary presence on the international level.

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First, globalization in the post-Cold War is set opposite the removal of a strict hierarchy of claims by state to prioritize foreign policy in favour of high politics. Security by gun no longer trumps security by trade. For Western democracies and for many developing economies, trade is seen as more important than national security, or rather it is seen as national security by other means.

This elevation of trade becomes important when considering the traditional roles of various political institutions in domestic policy-making. In the name of preserving sovereignty or power (through economic well-being and competitiveness) states have chosen to pool or collect –or some would argue forego - sovereignty into multilateral regimes such as regional free-trading arrangements or the World Trade Organization (WTO).⁶

Placing power in international treaty arrangements and international regimes has had an impact on the balance of domestic politics. The perception is that these arrangements have strengthened the hand of the executive at the expense of the legislature. While the exact balance of this relationship varies according to domestic political-institutional arrangements in specific countries, the general trend in favour of executive powers remains a consequence of the executive's traditional discretion in handling the "high politics" foreign policy.⁷

A good example is the granting of "fast-track" permission by the U.S. Congress to Presidents George Bush, Clinton and George W. Bush to negotiate first CUFTA, then NAFTA and now FTAA. Here trade, typically a "low-politics" and congressional issue, was passed into the hands of the executive for negotiation, subject to a "yea or nay" scrutiny by Congress on the negotiated deal. In Canada, concern has been expressed by some parliamentarians regarding how some international arrangements replace legislation by regulation, as well as over the lack of available negotiating texts in some cases – the FTAA for example, or even the ability to vote on some treaty arrangements, such as NATO expansion.

Secondly, the complexity of these international arrangements quite often leaves experts in and out of government at an advantage over parliamentarians. Complexity and a perception that local representatives could not think beyond local problems were important arguments for seeking and granting fast-track status in the U.S. example. Many international arrangements and institutions require considerable amendments to domestic legislation and regulation. Quite simply put, parliament and individual parliamentarians can be swamped by the quantity and the complexity of

legislation as a whole.⁸

Thirdly, and this is the true impact of globalization as understood today, international agreements increasingly affect people at the local level. Local or domestic regulatory and legislative policy is being made at an international or trans-national level, for example: labour standards; environmental standards; redistributive or development funding; price-support mechanisms. This direct link of international policy to local policy is sometimes termed “intermestics”⁹ – or what Anthony Giddens has called in a useful phrase, “action at distance.”¹⁰

Intermestic policy-making quite often means that local issues are lobbied and discussed at the international level as well as at – in fact concurrently with – the domestic level. Once again, this taxes the ability of parliamentarians to have complete information as well as stretching their individual resources – particularly time – as compared to both large corporate and large NGO organizations.¹¹ And as noted above, the argument is also used to keep legislators at arms length from negotiations. In the United States for example, where party discipline is a weak second to local, electoral politics, Congress was kept out of trade negotiations for fear that individual-sectoral interests would prevent any deal from occurring.

Fourthly, there is the growth of international civil society. Globalization is indiscriminate. It has benefited civic activists as well as corporations, states and individuals. The communications revolution has enabled a somewhat self-appointed “civil society” comprising trans-national issue groups and epistemic (knowledge-based) communities to interpolate themselves into intermestic policy-making. Groups that range from Amnesty International through Greenpeace through to religious organizations such as the Anglican or Catholic churches have been able to harness and coordinate international resources with increasing effectiveness. They have in essence appropriated representation, in the name of expertise and administrative efficiency, at the intermestic level, on specific issues.

The aims of many of these groups are often laudable and they can lay reasonable claim to existing within the parameters of mainstream politics in the domestic politics of many countries. Quite often too, they do represent a large body of public opinion on an issue. They can provide crucial public information or oversight functions because of their very expertise and the extent of their organizations.

However, they fail the test of democratic accountability: they are unelected and their oversight mechanisms are internal. Their probity is not in question here: it is that their function is not to represent but to present

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– usually to one side of an issue rather than with the approved voice of the polis.

Potentially troubling is that these NGO movements are filling the policy oversight gap. Recent initiatives to open up procedures at the United Nations Security Council, for example, aimed at providing transparency through the inclusion of NGO groups who were allowed to witness proceedings - not through the inclusion of parliamentarians. Issue communities are being involved, but not the representatives of real communities. Parliamentarians and legislators could find themselves marginalized from processes for which they are perhaps the best able and the most qualified to manage.

These arguments naturally call attention to a need for parliamentarians to address a “democratic deficit” on the international stage through parliamentary representation in international governance regimes. No less should this be so than for the world’s pre-eminent international body, the United Nations.

However, translating this impulse into an effective United Nations Parliamentary Assembly will have to deal with some inherent tensions: the exact role and nature of the UN itself, and; whether the domestic call for a parliamentary arm for the UN will translate into a true UN parliament.

Globalization and the UN: New issues, New vitality

The end of the Cold War has reinvigorated the United Nations. It has done so for a variety of reasons. First, the U.S.-Soviet stalemate that blocked much UN activity has been removed. There is greater scope for compromise and cooperation.

Secondly, the end of the Cold War has left greater scope for conflict in some regions, and greater scope for intervention in some conflicts. A primary example of this would be emergence of conflict(s) in the Balkans and the subsequent intervention by the European Union and then NATO under a UN flag. That NATO could be flagged to conduct a UN operation would have been unfathomable before 1990. There is an increased demand for a UN presence, and for the sanction of the UN when conducting collective security operations.

Thirdly, there are now many new members to the United Nations. Many of these consider themselves to belong to, or to aspire to, the great club of democracy.

But this reinvigoration comes with a price. UN operations and the UN budget are both under more scrutiny. In the United States, America’s conflicting political instincts of isolationism and liberal-internationalism

have turned paying UN dues into a hot domestic issue. America, the lone superpower in the world, feels the pressure to be a global policeman more than ever, and feels also the constraints of multilateral politics more than any other state. Satisfying American demands for accountability and, for lack of a better term, 'usability' is crucial if the UN is to survive. As American foreign policy and coalition operations have demonstrated, the United States has more inherent trust in NATO than it does in the United Nations. Without American commitment and American money the UN is much diminished.

Furthermore, a greater capability to intervene has also called for greater accountability. Contemporary peacekeeping entails entering into conflict situations rather than enforcing a pre-established cease-fire. Those who pay – often in soldiers' lives - as well as those who suffer, will demand transparency and accountability.

The events in Rwanda in 1994, for example, brought UN political and military leadership on peacekeeping into question. Canada, Belgium and France all held national investigations – with differing results. A UN panel, commissioned by the UN Secretary General and headed by former Swedish Prime Minister Ingvar Carlsson, concluded in 1999 that the genocide in Rwanda was the result of a "lack of political will" by the UN Security Council.¹² An OAU report issued the following year indicated more blame towards the United States, France and Belgium and the Catholic Church. In the case of Serbian 'ethnic cleansing' in Srebrenica, it was Dutch authorities who conducted a review as their soldiers were involved.

The diversity of reports, and the diversity of reasons such reports were commissioned, militates for exactly the sort of democratic, transparent, oversight role that a UNPA should provide. National inquiries, however worthy, serve national purposes. And differences in the UN, national and OAU reports indicate that UN scrutiny should not rely on the UN Secretariat to investigate itself.¹³ More importantly, a UNPA would be more likely to keep the conclusions of such a report to the front of the UN's agenda, to ensure appropriate follow-up occurred to address issues of resources, administration and willpower, and to place such reports within the context and continuity of long-term UN operations and activities.

At the same time, as the global agenda of security has passed beyond narrow definitions of military security to encompass human security, common security and environmental security, it has brought the notion of a global society of individuals to the fore at the UN. There have been active attempts to bring UN reform and broad security issues together.

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It should also be pointed out that the UN is becoming engaged in global society in new ways as well. Reform is on the agenda. For example, the United Nations has created a formal business advisory council to formalize a permanent relationship between the corporate community and the United Nations. This has come about in part because business itself, as with other NGOs, has become more institutionalised at the international level. It was through the mechanism of the annual World Economic Forum held at Davos, Switzerland, that Kofi Annan developed and articulated this reach to the business community.¹⁴ If there is room for a business advisory council, then perhaps there is room for a UNPA.

FORMING A UN PARLIAMENTARY ASSOCIATION

A UNPA and the UN

The argument here is that a United Nations Parliamentary Assembly would be a creation of the United Nations. It would therefore reflect those structural biases of the United Nations that reinforce national sovereignty and the power of states.

A UNPA would be a parliamentary assembly for the United Nations. As such, it likely would be the largest - in terms of state membership - international parliamentary assembly, or if one prefers, assembly of international parliamentarians, extant in global affairs. However, as it would also be one bound by and to the affairs of the United Nations Organization (UNO), a little time and thought needs to be spent detailing what that means in international relations.

The UN was crafted cannily by its framers - in particular by its chief proponent Franklin Roosevelt - to balance the issues of might and right in international affairs. Roosevelt often used the folksy metaphor of the UN as a town hall, replete with fire and police services, in order to sell the UN politically to the American public. The town hall would be run by an assembly - here of nations rather than of small-town neighbours - but the police and fire services would retain their independence of action to respond to crises according to the agreed upon rules.

This metaphor is worth exploring. It tells us a few things about the UN. First, the town hall metaphor takes the notion of a community of like individuals coming together to agree on how to handle community issues and extends it from the domestic to the international arena. Here, the like individuals are states and the community issues are - or were originally intended as - collective security threats posed by other states or unforeseen

threats to individual member states. In other words, the UN is not designed to supersede or to replace the state. In fact, quite the opposite: the UN reinforces the role of states in the international system.

Secondly, the assembly of nations was to comprise national representatives – it was not an “assembly of Man” (as the gendered language of the day would have put it) – but an assembly of nations. It was an assembly of neighbours of equal legal standing with mutual and common interests to protect. Again, the effect of this is to strengthen the role and sovereignty of all states in the international area at the expense of competing representation from elements of what today is termed civil society.

There is an existing assembly in the United Nations, the UN General Assembly (UNGA), and it is an assembly of national representatives - an assembly of diplomats. This potentially has profound implications when it comes to choosing the existence and make up of a parliamentary assembly for the United Nations (a point made below).

Thirdly, it was designed and presented in a manner calculated not to alienate the American public. The ultimate success of the UN relies heavily on great power inclusion, and particularly never more so than today, on American tolerance and use of what the UN offers. It should not need to be emphasized that the American public is not well disposed toward ceding sovereignty or governance to international bodies as a general rule. It is safe to say that for the United States (as for many Western democracies), ceding money or sovereignty to an international organization is increasingly linked to transparency and accountability. And it is along those lines that any argument for a UNPA might be most likely to succeed.

In short, the architecture of the UN is about the collective security of States and about the duties of great powers to use their sovereign power wisely. Its design represents a 1945 understanding of States and power. Despite the wealth of topics the UN and its affiliates address, its primary functions are designed to handle war and peace issues, the very issues on which States are least likely to cede sovereignty or governance.¹⁵

The structural predisposition of the UN to reinforce its State-members notwithstanding, the creation of a UNPA might have subtle and long-term effects that would favour a more directly democratic form of governance for United Nations’ affairs: perhaps subsequently even for international affairs as a whole. These effects become apparent when considering the choices made when forming a UNPA.

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Constituting a UNPA Membership

From what has been argued so far, it is clear that there is a role a UNPA can play in enhancing the legitimacy and the efficiency of the United Nations. However, the long-term dynamic of a UNPA could hinge on how it is selected and who its constituents are. The question on how to form a UNPA is wide open, but in reality there are only two extant models for international parliamentary activities: a parliamentary assembly comprising national parliamentarians or a parliamentary assembly that is selected independently. Which type is chosen will affect what a UNPA might potentially become.

A UNPA based on existing Parliamentarians

This would be a UNPA comprising parliamentarians elected to their national assemblies. Existing models would be the Parliamentary Assembly of the European Council (PACE), the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organization (NATO) Parliamentary Assembly and the much called for but not yet achieved parliamentary assembly of the World Trade Organization (WTO). These are all examples of what are called IPIs (Inter-Parliamentary Institutions).

Basing UNPA membership around existing national parliamentarians is an attractive option for several practical reasons.

First, national parliamentarians already exist. One huge hurdle to an independently chosen UNPA remains those issues regarding selection and/or election. The complexities in creating an appropriate electoral cycle, let alone an effective and universally acceptable electoral or selection body, are immediately apparent. Yet any attempt to create an independently selected UNPA must bring democratic credibility into the process or it will fail in the crucial criterion for the existence of the body. A UNPA will in all probability be extremely limited in its official scope, so its real value has to come from the moral weight – the correctness and extent of its franchise – that it can bring to bear.

By contrast, a body comprising national parliamentarians has the “stamp of approval” built-in. National parliamentarians can claim electoral legitimacy in their own right. Admittedly, the credibility of domestic franchises can be called into question, but the trend towards democracy has been strengthening rapidly. The UN itself reports that the number of democracies has nearly doubled since 1991.¹⁶ Freedom House estimates that there are 86 “free countries” and 30 “partly free “countries representing

75% of states and 68% of the world's population. This is a good starting point. In the transparency that should be the hallmark of a UNPA, the eyes would be on those perceived non-democratic members to prove their case.

The second major point to rise would be that national parliamentarians also tend to have built-in expertise. They are already professional parliamentarians, in general familiar with parliamentary practices. This may seem a jejune point: but, research into recently formed democracies has indicated that one failing that led to crises has been that very lack of political experience and professionalism exhibited by and in new legislatures.¹⁷

National parliamentarians quite often also come with staff and money. They would provide a more effective bang for the buck. This relates as well to the point above regarding professionalism apart from being mere cost-saving.

One final point to consider here is that a UNPA is not only about democratizing the UN, but also about promoting and building democracy, civil society and good practices. A UNPA comprising national parliamentarians would provide an interesting proving ground and transmission belt for parliamentary practices back to the national level. This would particularly be the case where domestic condition would perhaps not provide material or political resources conducive to good democratic practice. In short, a national parliamentarian might find that being a member of the UNPA would make them better domestic MPs. They might receive assistance, professional training, informational, moral and political support - and even a measure of prestige and/or independence - that can make them more effective local representatives.

The Inter-Parliamentary Union and the UN

This use of existing parliamentarians in a UN-based IPI is front-and-foremost because there exists a "ready-made" assembly desirous of the job – the International Parliamentary Union. The recent UN action conferring observer status on the IPU has sharpened its appetite. As a long-standing international parliamentary association, it comprises parliamentarians from most, if not all, UN Member States.

It has, over the years, developed expertise on global issues, and though formerly somewhat reticent to speak in a substantive manner has recently begun to speak out. At the IPU's recent conference in Marrakech, the organization, making the point that parliamentarians are the link between citizens' needs and related government policy, urged the international community "to reduce substantially the debt of the poorest countries and

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to cancel the public debt of the heavily indebted poor countries...” It also urged states to expedite ratification of the Kyoto Protocol, and said that the United States should be among the first to “take action to reduce their greenhouse gas emissions...” Such resolutions are, of course, advocacy, not legislation itself. That parliamentarians operating on a world stage have now begun even to speak substantively on global issues, while commendable, may act as a yellow if not red light in securing the support of major governments for an even deeper role. Parliamentarians do not provide any trouble when they are decorous additions to government delegations at the UN. But when they actually try to move their governments’ positions forward, they will inevitably run into resistance. The more substantive the issue – e.g. getting the nuclear weapons states to comply with their obligations to negotiate the elimination of nuclear weapons – the greater the resistance.

Parliamentary associations that have struck bold positions find this opposition all the more apparent. Parliamentarians for Global Action (PGA) has developed through the past two decades into a feisty group pushing governments on such hot-button issues as peace and democracy, international law and human rights, sustainable development and population programs, and the empowerment of women. PGA members are knowledgeable and issue-oriented, as for example its sponsorship of the Six-Nation Initiative in 1984 to break the nuclear disarmament deadlock; this is precisely the reason that, unfortunately, it is an unlikely candidate to be the basis of a UNPA. The IPU, because of the diverse composition of its membership, and also because it is supported by legislated funds, is a more probable candidate.

As a professional organization of parliamentarians – concerned with the interests of parliamentarians, the IPU is interested not only in a UNPA but also in parliamentary assemblies and parliamentary oversight for all-important international organizations. For example, the IPU is arguing for the creation of a PA for the WTO, as stated in their final declaration from Doha, site of a WTO Ministerial Meeting, 11 November 2001:

We, the parliamentarians from the WTO members assembled at Doha restate our conviction that global trade concerns every individual and society as a whole. Therefore, parliamentary participation is necessary to ensure a better representation of citizens and we advocate a parliamentary dimension to the WTO. We, therefore, call on our respective governments participating in the 4th WTO

Ministerial Conference to add the following paragraph to its final declaration: “Transparency of the WTO should be strengthened by associating Parliaments more closely with the activities of the WTO.”¹⁸

What is not discussed, but which may be assumed, is that in the UN, an assembly of national parliamentarians – IPU based or not – might merely reinforce the nation-state objectives of UN politics. This potential outcome stems from two things: the characteristics of the United Nations and the general characteristics of inter-parliamentary associations.

The UN, as outlined above, is designed as an assembly of Nation States. It was not designed for democracy at the individual level, but rather a compromise of equal sovereign rights versus the interests of power – notably great powers – in the international arena. Furthermore, the core activities of the UN center on collective security issues: issues which are deemed “high politics” and tend to favour executive over parliamentary privileges. Democracy, then, is the democracy of states, not individuals. Individuals and society are represented by their governments.

A UNPA based on national parliamentarians may reinforce the predisposition to favour national policies because, in general, national parliamentarians have tended to act more as diplomatic representatives than as parliamentary ones. First, as Gary Levy noted in his study of parliamentary associations, many of these associations are justified domestically by: “the fact that these bodies, despite their non-governmental nature, often take on quasi-diplomatic functions as various countries use them as a platform to advance and defend particular policies or interests.”¹⁹ Levy went on to emphasize that this was particularly so for matters of the “great international issues of the day.”²⁰ This was particularly the conclusion of the Canadian House of Commons, Standing Committee on House Management on the activities of the IPU:

Of all the inter-parliamentary associations the IPU groups has the closest to a diplomatic function...often they [Canadian members] will [support] ...the Canadian position even though they may not feel absolutely obliged to do so.²¹

Secondly, national parliamentarians tend to reflect the make-up of the domestic political balance. The government, democratic and particularly when not, usually has a certain sway over who belongs to an international

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parliamentary association. Even non-governmental members tend to be established members of the political hierarchy and supporters of the domestic political system and its political arrangements. It is hard to imagine it being otherwise.²²

Thirdly, because many activities of the UN do infringe on entrenched core sovereignty issues – the high politics of security and sovereignty - national parliamentarians may think more domestically than they might on the more variegated, sectoral-regional issues of trade policy or the complexities of common security issues for which national consensuses may not exist. Simply put, the hierarchy of values is far more clear for issues of armed conflict than they are for how to prioritize international labour standards against (perhaps local, perhaps national) economic interests; how to prioritize economic growth and living standards against environmental management.

Fourthly, as is evident from the discussion on governance, national parliamentarians concerns are less with internationalism than with fortunes of their domestic legislative institutions. The inference from the democratization arguments coming out of domestic legislatures could be that there is a desire to replicate domestic, national electoral concerns rather than to reflect international, or in the case United Nations- UN, concerns.

Set against these arguments, there is evidence that the growth of international parliamentary institutions over the past few decades has led to some dissociation of national or regional affiliation by its membership. International relations literature and public policy literature contain examples of such phenomena as knowledge-based or issue-based communities and various policy networks that essentially describe a series of complex, often overlapping networks focussed around institutions and issues.

The relevant point to this discussion is that IPIs form an example of these networks or communities of transnational elites. They are potentially developing a transnational consciousness. They also often provide a public good, a gateway or transmitter to international relations used by non-elected bodies such as social movements or business organizations. Unlike other networks or communities, IPIs have direct access to the institutions of domestic and international governance. In other words they have potential to translate the domestic function of political party member and of local representative to the international level.

The IPU bid also needs to be considered differently in that it could be considered a technical professional organization for parliamentarians.

Considerable energies of the IPU are directed at transmitting and sharing parliamentary effectiveness throughout its membership. This focus will probably be at a premium given the diversity of skills and resources among individual UNPA members.

Nonetheless it remains unlikely that IPIs can effectively supplant national representation in the contemporary international field in the near future. The arguments against it are too strong because in the end they remain *national* representatives.

For these reasons, a better way to create a UNPA would be an independently selected body.

An independently selected UNPA: the EU option

The other option considered for a UNPA would be to have an independently selected – i.e. a membership specifically elected to the UNPA. The model here would be the European Parliament (EP). As noted by Robert Cutler: the EP's experience lends itself as a template from which other IPIs at various stages of development can learn.²³ To choose this model for a UNPA has several implications.

For one: it raises an open question on criteria and method for selection. Obviously a series of decisions are required, e.g., how members are selected. Should they be selected by a universal electoral system or by nationally based systems? What would the electoral calendar be? Who would supervise elections? Would variances in election practices damage overall UNPA credibility? How many representatives should each member-state have, etc.?

These questions have no ready answers. Would the most populous states get the most parliamentary members? Or the most powerful in terms of gross national product? Would the permanent members of the Security Council be treated the same way as the small Pacific states? To address these questions is at the same time to open up the issue of paying for the UNPA. Is the world ready for an international tax? Would the richest countries be expected to carry the financial burden? Obviously, some very hard thinking is in order if the concept of a UNPA is to be advanced. This might well be a useful project for the IPU, which has much at stake in the idea, unless this very work would give credence to the arguments of the opponents of merely giving the IPU observer status at the UN on the grounds that a full-fledged UNPA with teeth in it is exactly what the IPU is seeking.

The motivation for such a detailed examination of selection and financing might come from examining a few overall aspects of an

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independently selected body. Such a step might have potentially greater implications for the UN, for global democracy/governance and for the domestic politics of some countries than does basing the UNPA on national parliamentarians.²⁴

Such a body would theoretically be free to sit or conduct other related duties on a full-time basis. They would at least be able to devote more time to a UNPA than would an annual weeklong gathering based on national parliamentarians. Corporate expertise and functional competence, theoretically, would be the effect: sitting bodies tend to gather work where virtual ones do not. A more permanent institutionalization could have dramatic long-term implications for the United Nations.

This is the lesson of the European Parliament: elected parliamentarians developed a moral authority – based on electoral, democratic legitimacy - and a corporate expertise that acquired a “take-off” critical mass towards developing full legislative functions. Once its legislative presence was established, its institutional performance then created *spillover*²⁵ as it gathered expertise and began to be relied on more and more in its consultative role. Over time, the EP developed further authority and a greater, more visible role.

The European parliament went from being a nominated body in 1957, a nod to European-wide democracy, to an elected body in 1979. When the European Community became the European Union, the Parliament gained powers of oversight that formalized the informal scrutiny its presence had brought to bear on Commission proposals as well as formalizing legislative cooperation with the European Council. In 1999, it was the ‘democratic’ authority, not to mention the energy and efforts, of the European Parliament that forced for the first time the mass resignation of the European Commission.²⁶ The particular dynamic of the development of the EU helped in that national governments, through the European Presidency and the European Council, seeking balance against European Commission, invested more oversight powers in the European Parliament. The existence of locally elected MEPs (Members of European Parliament) also helped national authorities to handle issues of transparency and democracy at the European level in the face of domestic criticism of the Commission and the European project as a whole. Enlargement of the European Union also created changing balances of power within and without the organization to the benefit of the EP.

In short – countering the EU’s vulnerability on the question of a “democratic deficit” has resided in the one instance in empowering the

European Parliament at the expense of the Commission. The European Parliament's own expertise aided it in gaining this authority. The counter argument that the EU is democratic because nationally elected representatives – European heads of government and ministers – meet regularly in council – seems by comparison more removed from European populace at large.²⁷

These factors are also worth considering. The United Nations has institutional analogues to EU organizations in the Secretary-General, the UNGA and to some extent the Security Council. Institutionally, there is scope for a UNPA to offer opportunity for national governments to push for a transparency and accounting role similar to that of the original EP in order to quiesce domestic critics calling for more democratization of governance on the international stage.

Nor would such criticism be coming only from elements of the above-discussed “global civil society.” Just as it was anti-European UK Conservatives who led the EP in castigating the Commission in the name of democracy with help from the UK Conservative party and other Europhobic actors (individuals and newspapers, for example) in UK domestic politics, one could envisage UN-hostile politicians or others in the United States being elected to a UNPA or providing backing to UNPA members in similar circumstances. That such activities would be tactical and of the moment or of the issue would be less relevant in the long run than the spillover effect they would grant a UNPA.

For the paradoxical lesson drawn from the 1999 European Commission crisis is that EP activity, led by an anti-European coalition in an anti-European cause, engaged the citizenry directly with European institutions and galvanized EU activity in a positive manner. Any meaningful activity by an international assembly is good for the strength of the organization. A UNPA could do the same thing for the UN and for global governance (although hopefully without the indecorum of an anti-UN crusade from within).

What might a UNPA look like?

Setting aside for the moment possible ramifications to having a UN Parliamentary Assembly, there are some purely technical issues that need to be addressed: the ‘how?’, ‘what?’, ‘when?’, ‘where?’, and to some extent, the ‘who?’ questions. Below are some initial thoughts, designed merely to stimulate some discussion towards the more prosaic, “nuts-and-bolts” aspects of a UNPA. And it must be emphasized that as with all institutional

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design, the unintended consequences and political dynamics will create realities far different than those intended.

When should a UNPA convene?

Looking at other international organizations' parliamentary assemblies, straightforward suggestions make themselves clear. A UNPA need not seat itself permanently. In the case of a UNPA comprising members of national legislators, non-permanency would be imperative.

For example, with the OSCE, an annual assembly is convened once a year. For the UN this would make sense, and should be timed to fit appropriately the UN annual cycle, notably the UNGA September session as mandated in the UN Charter. A July or August Assembly would provide input into the deliberations of the UNGA on the UN's annual agenda. Summer meetings are also almost mandatory given the dominance of the northern hemisphere's summer schedule over national and international agendas.

Should a UNPA be self-selected, restrictions on when to sit change, and possible conventions or sitting periods become more open-ended. Logic should also dictate that the more permanent a UNPA is "on the ground," the more likely is its ability to grow. This appears to be one lesson the development of the European parliament gives in comparison to other IPIs.

Overall design

A UNPA will require a permanent secretariat of some kind. It will require a President or Speaker for the Assembly itself. It will require some form of internal Standing Committee on Oversight—by which is meant, of course, a committee to oversee operations; i.e. a board of internal economy, not a committee in charge of oversights.

General and specific committees suggested by imperative issues, or by institutional and programme design internal to the UN, would have to be agreed upon by the UNPA itself, once formed. Tackling these design elements in order, certain modest and straightforward initial points can be made.

A permanent backbone to the UNPA should be formed by a permanent international secretariat. The job of the secretariat would be to organize the UNPA sessions and to assist the officers of any permanent or special committees mandated by the UNPA. It could also act as a permanent Presidential Secretariat should that task evolved be one that requires a

full time presence. The Secretariat should report to a hypothetical (for our purposes here) annual session of the UNPA. It should also report on an ongoing basis to a Standing Committee for Oversight.

To head the UNPA session will require a President or Speaker of some sort. Its officers, especially the President, should be elected by the UNPA itself. The function here would be a parliamentary one: to rule on procedure and to coordinate and prioritize the overall actions and function of the UNPA when in session. Given the prominence of the UN and the potential for the President of the UNPA to become a position of some profile, consideration should be given that the putative president of a UNPA might need to play a permanent, international ambassadorial role. In short, this position might require its holder to absent himself or herself from their national, domestic legislative duties; a consideration should the UNPA be an IPI of some kind. The same might also extend to other officers of the UNPA, notably Committee Chairs.

How should the UNPA fit with the overall structure of the UN? It is difficult to imagine its primary function as other than consultative, rather than legislative. The UNGA remains the true legislature of the UN in its current design. The UNPA should report to the UNGA, as does the Secretary-General of the United Nations. Reporting to the UNGA will also keep a UNPA at arms length removed from the Secretary-General of the UN, which should enhance the credibility of both organizations. In design this would be most analogous to the European Union's example of interpolating a consultative parliament as a (limited) democratic and consultative oversight on the EU bureaucracy: both of which are ultimately accountable to the national governments through the European Council (the gathering of the European heads of government). The UNGA might wish to create under its auspices the oversight committee for a UNPA.

UNPA Committees

These will take on roles emerging directly from the activities and interests of the UNPA itself. Prudence suggests that General Committees with broad mandates derived from the Charter and the activity of the UN (and its affiliates) itself be instituted. This would be consistent with other international parliamentary assembly practices. Political and Social, Economic, Human Rights, Technology and Science and International Security are obvious examples. Other worthwhile candidates could include refugee and environmental committees. A perhaps more controversial approach, in that it would look more purposely legislative, would be to

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establish programmatic committees that imply direct oversight: a UN budget committee or one on the Security Council proper, for example.

CONCLUSION

The one obvious conclusion from this wide-ranging discussion is that a UNPA remains at this moment schematic. Despite this, certain points become clear. There is currently a disjuncture in traditional, liberal-democratic, political decision-making between the international and the domestic level. Parliamentarians and others have recognized this disjuncture and wish to address it by having input and oversight into what is commonly termed global governance. Inter-parliamentary institutions of various types offer a good solution to this and perhaps the most prominent international organization lacking an IPI is the United Nations. A UNPA would be a good way to address both global governance and the requirement for UN reform in the contemporary age.

If there is to be a UNPA, there needs to be a recognition that choices on how it becomes institutionalized may have subtle, but important long-term effects on how much a UNPA comes to represent a UN legislature. The existence of a UNPA with permanent presence and electoral legitimacy may well find a greater role than its framers originally intended.

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Endnotes

¹ Immanuel Kant is considered a starting point for political philosophers interested in providing a peaceful, liberal-constitutional world order, a collection of ideas usually known as “idealism” in international relations studies. Reduced to utmost simplicity: Kant argued that perpetual peace could only come about in a law-based international society, constitutionally bound as a federation of free (i.e. republican) states. The argument is found in Kant’s essay “Perpetual Peace.”

² It is worth remembering that those developing the UN at the end of the Second World War had to resist propaganda to the effect that the UN itself is a world government.

³ The arguments developed here are deliberately not based on World Federalist literature. Although there is much excellent research in the World Federalist Movement, the idea here is to try and explore the possibilities for the UNPA that come from within the existing ideas of the dominant political mainstream, rather than using the theoretical/moral framework of world federalism as a starting point.

⁴ Most of these issues are beyond the brief of this paper, but are well discussed in both the academic and popular press.

⁵ David Held, *Democracy and the Global Order*. Stanford: Stanford University Press, 1995. pp.107-113.

⁶ It should also be noted that contemporary possibilities for multilateralism have also produced laudable examples of surrendering sovereignty to collective self-interest based on values aside from the economic, the International Criminal Court (ICC), for example.

⁷ One must be careful not to ascribe too much to this trend. Individual political systems play a crucial role as a multiplier to this effect. Countries with a Westminster political system where the monarch is sovereign in parliament also have had to deal with Cabinet and Prime Ministerial concentration of policy making across international and purely domestic issues. This policy-making concentration often is the result of exogenous, political circumstances – e.g. large majorities - rather than the policy issues per se.

⁸ On legislative-executive balance of power in the U.S. example, a good summary is provided in Chapter 4 of *Puzzle Palaces And Foggy Bottom: U.S. Foreign And Defense Policy-Making In The 1990's*, Eugene Brown and Donald Snow. N.Y.: St. Martin's Press, 1994.

⁹ From collapsing the words “international” and “domestic.”

¹⁰ Anthony Giddens, *The Consequences of Modernity*. Cambridge: Polity Press, 1990.

¹¹ This point cannot be overstated. One of the primary advantages government and parliament have traditionally deployed when adjudicating different interests has been an informational one: government had greater resources and reach than private entities. It was a subtle exercise in power. Today, that advantage may now have been inverted.

¹² “The overriding failure in the response of the United Nations before and during

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the genocide in Rwanda can be summarized as a lack of resources and a lack of will to take on the commitment which would have been necessary to prevent or to stop the genocide. UNAMIR, the main component of the United Nations presence in Rwanda, was not planned, dimensioned, deployed or instructed in a way which provided for a proactive and assertive role in dealing with a peace process in serious trouble.” *Report Of The Independent Inquiry Into The Actions Of The United Nations During The 1994 Genocide In Rwanda*, 15 December 1999. Full report available at: www.un.org/News/ossg/rwanda_report.htm

¹³ This is not to impugn the office of the Secretary-General or the thoroughness of the Independent Inquiry’s Report. Rather it is to point out that a transparent and accountable scrutiny by a legislative arm of the UN would be free from the imbroglions of domestic politics. Nor would it be seen as the UN “umpiring its own ball game” on the international stage. A UNPA report may, indeed have come to the same conclusions as the Carlsson report, but might have carried more impact and more weight to counter criticisms from other quarters.

¹⁴ Richard Falk and Andrew Strauss, “Toward Global Parliament.” *Foreign Affairs*. Jan/Feb 2001. pp.215

¹⁵ For a good encapsulation of this argument, see David Held, *Democracy and the Global Order*. pp 83-89.

¹⁶ “With UN Help, Number of Democracies Nearly Doubled in Past Decade, Annan Reports” *UN Press Releases*. (November 14th, 2001).

¹⁷ One can cite for example, problems within the legislatures of some of the former states of the Soviet Union and Eastern Europe: in particular the tendency of bureaucrats and politicians from the previous regimes to prove more effective in their political and administrative skills than the original democratic opposition leaders.

¹⁸ *Final Declaration/Conclusions*, Inter-Parliamentary Union Parliamentary Conference, Doha, Qatar, 11 November 2001.

¹⁹ Gary Levy, “Interparliamentary Associations.” *International Perspectives* (July August 1976), p.36. Although this was written some time ago, there is little evidence to assume that contemporary are any less prone to ‘fly the flag’ and to ‘hide the dirty laundry from public view’; i.e. to present a national common front while abroad. Arguably, airing of dissent while abroad, particularly on key policy issues, is still rare enough to be newsworthy.

²⁰ *ibid*

²¹ Canada, House of Commons, Standing Committee on House Management. *A Report on Parliamentary Associations*, February 1993. (Sessional Paper) 343-8/5E. p. 12.

²² One area where this is not the case, is when separatist parties claim representation in international parliamentary associations. The potential for this situation to occur exists with several Western democracies: perhaps to the credit of those societies’ tolerance. Even in such cases, quixotically, core values and issues are not normally contested by these members – i.e. the broad framework of what constitutes a

peaceful liberal democratic state remains fairly consistent; what is contested is who constitutes the nation that should be represented.

²³ Robin Cutler, "The Emergence of International Parliamentary Institutions: New Networks of Power in World Society."

²⁴ Appended to this paper is a questionnaire on the potential make-up and scope of a proposed "United Peoples' Assembly" provided by the Action Coalition for Global Change. Although a Peoples' Assembly at the UN appears even farther off than a Parliamentary Assembly. The outline for such a discussion is attached as an example starting point for those who wish to consider these details for a UNPA. See <www.acgc.org/upa/survey.htm

²⁵ "Spillover" is the term used by neo-functionalist integration theorists who hypothesize that transnational institutional development will occur as narrowly based institutions will be given a greater and wider role as they develop competence in solving transnational issues. This was the deliberate model of development chosen for the EU when the European Coal and Steel Community (ECSC) was established. "Take-off" and "spill-over" for the European parliament is more fully described in Robin Cutler, "The Emergence of International Parliamentary Institutions: New Networks of Power in World Society." *Who is Afraid of the State?* Gordon S. Smith and Daniel Wolfish, eds. Toronto: University of Toronto Press, 2001.

²⁶ There are many serviceable accounts of the growth and functions of the European Union and its constituent parts. Recommended are: Desmond Dinan, *Ever Closer Union: An Introduction to European Integration*. New York: Lynne Reiner, 1999; John Pinder, *The European Union: A Very Short Introduction*. Oxford: OUP, 2001; Helen Wallace and William Wallace, eds. *Policy-Making in the European Union*. 3rd ed. Oxford: OUP, 1996. For a brief overview on the European Parliament in particular the authoritative section on the EP in *Encyclopaedia of the European Union* by Desmond Dinan (Oxford: OUP, 1999) is highly recommended.

²⁷ This argument is explored well in Kevin Featherstone, "Jean Monnet and the 'Democratic Deficit'", *Journal of Common Market Studies*. 32(2) 1994.