

BRINGING CITIZENS TO THE CORE: THE CASE FOR A UNITED NATIONS PARLIAMENTARY ASSEMBLY

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While support for democracy as a form of government has become almost universal, people are dissatisfied with how democracy works in practice. One reason is that globalisation is perceived to erode national democratic institutions. Global interdependence and global challenges increase the need of global coordination, regulation and management. In the process, agenda-setting and decision-making on important political issues has been shifting to the global level. Global intergovernmental institutions, however, provide little, if any, opportunities for democratic participation. The resulting democratic deficit could be reduced if the widely recognised principles of democratic governance and representation were not limited to national governance but also applied at the global level. A key instrument to do so is the establishment of a United Nations Parliamentary Assembly, which would bring together elected representatives in a formal body designed to strengthen the participation of citizen representatives at the United Nations (UN). Such

an assembly would be an innovative platform for global multi-stakeholder participation that, in particular, includes representatives of civil society organisations (CSOs) in its work.

THE RISE OF DEMOCRACY

The rise of democracy has been one of the most important developments of the 20th century. Today, democracy is almost universally recognised as the only legitimate form of government. There are different understandings of what democracy is, and it comes in many different forms, but nonetheless, international law and human rights norms suggest some fundamental minimum requirements. Article 21 of the Universal Declaration of Human Rights of 1948, for example, states that "the will of the people shall be the basis of the authority of government" and that this will "shall be expressed in periodic and genuine elections" which shall be held by universal and equal suffrage and secret vote. Article 25 of the International Covenant on Civil and Political Rights, which entered into force in 1976, and which has been ratified by 167 states, provides that every citizen shall have "the right and the opportunity" to take part in such elections as well as "in the conduct of public affairs, directly or through freely chosen representatives." As early as 1992, it was argued that there is an "emerging right to democratic governance."¹ At the 2005 World Summit of the United Nations, heads

of states and governments reaffirmed "that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives." In UN practice, the acceptance of democratic governance principles is reflected particularly in its programmes related to state reconstruction. From Somalia to Myanmar, the unquestioned assumption is that the state that is being reinforced is a democratic state.

As assessments of empirical studies conducted over the last decades show, public dissatisfaction with the performance of democracy is not to be confused with a rejection of democracy as an ideal form of government. With average approval rates of up to around 90 percent, support for the abstract idea of democratic governance proves overwhelming throughout the world. It is no contradiction that at the same time there can be deep scepticism with regard to how democracy actually works. This tension between public democratic aspirations and satisfaction constitutes what could be called a democratic deficit.²

THE DEMOCRATIC DEFICIT IN GLOBAL GOVERNANCE

Ten years ago, the UN Secretary-General's Panel of Eminent Persons on United Nations-Civil Society Relations identified "deficits of

democracy in global governance." The panel's assessment was quite to the point, and it is still valid. In its report the panel declared that "one of the key principles of representative democracy is connecting citizens to the decisions that affect them and ensuring public accountability for those decisions." However, it argued that "representative democracy remains essentially national and local" and that "elected legislators and parliaments seem to have little impact on decisions made intergovernmentally." According to the panel, the dissatisfaction with the performance of democracy is strongly linked to "the perception that traditional forms of representation are less relevant in this age of globalization."³ Indeed, global interdependence of economic, financial and technological systems, as well as global challenges such as climate change, increase the need for global coordination, regulation and management. Agenda-setting and decision-making on important policies are shifting to the UN and its specialised institutions, as well as to international fora such as the G8 and the G20. The decisions of these bodies are prepared by highly inaccessible officials appointed by the executive branches of national governments. While the point



could be made that at least democratic governments that appoint these officials have a political mandate to do so, the reality remains that diplomats and negotiators are unelected and that the constituents of the political opposition are not represented. Intergovernmental bodies thus are largely disconnected from democratic oversight, participation and deliberation. International treaty negotiations in particular are often conducted in total secrecy. Recent examples of this are the negotiations on a so-called Anti-Counterfeiting Trade Agreement, which was fortunately rejected by the European Parliament in 2012, or the efforts for a Trans-Pacific Partnership and a Transatlantic Trade and Investment Partnership.

Citizens, civil society, and elected representatives have very few ways to be involved and seldom are able to exercise much influence. Even if intergovernmental processes might be open to participation, the resources required to do so effectively are often prohibitive. Multinational corporations, by contrast, do have the financial capabilities to pursue their interests, for example, at bodies such as the Codex Alimentarius Commission, which determines international food standards. Remarkably, by

contrast to elected representatives or CSOs, multinational corporations and their industry associations are often granted access and consulted in international negotiations. It has been argued that shifting policy-making to the international level is not always driven by pure necessity, but also by the intention of governments to limit domestic public interference and discussion.⁴

The democratic deficit in global governance is not only caused by the detached nature of intergovernmental processes but also by dissatisfaction with the outcomes. International opinion research carried out over the last decade shows that the world's citizenry as a whole is more receptive to global solutions than those offered by their own national governments. Majorities in most countries, for example, support: a strong regulation of the arms trade; an international responsibility to protect people from severe human rights abuses by their own government; the elimination of all nuclear weapons (something supported by citizens of the nuclear powers); more government spending to fight hunger and severe poverty in the world; and higher prioritisation of climate change.⁵ Perhaps there is a connection between the slow international progress on these matters and the exclusive and undemocratic character of global governance.

THE RIGHT TO DEMOCRATIC GLOBAL GOVERNANCE

The essence of democratic governance, as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, means that those who are affected by a decision need to have a chance to influence it, at least through freely elected representatives. The argument that decision-making at the global level should remain the purview of the executive branches of national governments is dangerous nonsense. It is an antiquated remnant from times when most important decisions were made at the national level and when it was still possible to distinguish between foreign and domestic affairs. Those times are long gone.

The right to democratic governance is indivisible and cannot be limited to the national level. Otherwise it would be unduly eroded when decision-making effectively shifts to the global sphere, and indeed, this is exactly what is happening. Article 28 of the Universal Declaration states that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." In a remarkable resolution adopted by a two-thirds majority, the UN General Assembly in December 2013 stated, among other things, "that everyone is entitled to a democratic and equitable international order" and that this involves "transparent, democratic, just

and accountable international institutions in all areas of cooperation", as well as "the right to equitable participation of all, without any discrimination, in domestic and global decision-making."⁶ Democratic governance in the international order must necessarily entail the extension of parliamentary representation – which is the best expression of 'the will of the people' – to the global level.

At the level of regional intergovernmental organisations the principle of involving elected representatives is largely recognised, and many of them have parliamentary bodies. The most developed supranational parliamentary institution is the directly elected European Parliament, but there's also the Pan-African Parliament, the Arab Parliament, the Parliament of Mercosur, the Andean Parliament and the parliamentary assemblies of the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE) and the North Atlantic Treaty Organisation (NATO), to name just a few. While their powers differ widely and are in many cases still evolving, the UN, a key institution of global governance and one of the most important promoters of democracy in the world, does not even have such a body. As the special inquiry of the Parliamentary Assembly of the Council of Europe (PACE) into secret Central Intelligence Agency detention camps in Europe in 2005-2006 demonstrates, international parliamentary assemblies have the potential to create public awareness and

to build international political pressure even if they do not possess strong formal powers. Not at last because of the stir caused by this inquiry, United States President George W. Bush finally had to acknowledge in September 2006 that such camps did indeed exist.

A UNITED NATIONS PARLIAMENTARY ASSEMBLY

The idea of a democratically elected international parliament is not new. It has a long history that can be traced back to the time of the French Revolution at the end of the 18th century. One early proposal for the establishment of a United Nations Parliamentary Assembly (UNPA) was put forward in 1949. After the end of the Cold War the idea developed some momentum, and in 2007 parliamentarians and CSOs launched the Campaign for a UN Parliamentary Assembly to coordinate and strengthen their efforts internationally.

A UNPA would have the main purpose of giving elected representatives of the world's citizens an immediate voice in political negotiations and decision-making in global intergovernmental organisations. With its members directly elected or appointed from among national or regional parliaments, thereby reflecting their political diversity, the assembly would improve global governance by adding a democratic and independent complement to existing intergovernmental

bodies. The members of the UNPA would group according to political affiliation rather than by national origin, and thus would transcend one-dimensional national interests. Unlike government-appointed officials and diplomats, UNPA representatives would not be subject to the authority of government executives.

A UNPA initially could be set up by a vote of the UN General Assembly under Article 22 of the UN Charter. Alternatively, it could be created on the basis of a new international treaty between governments. This means that a cumbersome amendment of the UN Charter, which would require the approval of the five permanent members of the UN Security Council, is not required. Under this condition, a UNPA still could be vested with all rights and powers that the UN General Assembly has. Among other things, it has been suggested that a UNPA should have the right to put questions to the UN Secretary-General and other senior officials; to hold readings on draft resolutions of UN bodies, including the right to suggest amendments; to pass its own resolutions and reports; to co-decide on the adoption of the regular budgets of the UN and its specialised agencies; to participate in the election of the UN Secretary-General and other top officials; to alert the UN Security Council on situations; or to submit legal questions to the International Court of Justice. In addition, UNPA delegations should have the right to participate in

UN-led negotiations on an equal footing with UN member states. Even if the UNPA was only an advisory body at the beginning, its recommendations and proposals would carry significant moral weight and could pressure national governments to adopt programmes and solutions that deliver better outcomes in the common global interest.

While this is what might be expected, drawing on examples of existing international parliamentary institutions, a UNPA should also include important innovations. Plenary decisions of the international campaign increasingly reflect an understanding of a UNPA as a 'network of networks', a body that would facilitate greater multi-stakeholder participation. While the UNPA's elected representatives would constitute the formal democratic core, the assembly needs to provide for strong and efficient ways that allow CSOs, local authorities and indigenous peoples and nations, among others, to be included as well. In addition, the campaign believes that innovative forms of civic participation could also be explored, including models of electronic direct or liquid democracy⁷ that allow citizens to participate in deliberations or to influence decision-making processes in a UNPA.

By assisting the establishment of a UNPA, civil society would help create its own best ally in the system of global governance. International civil society and like-minded

elected representatives would have an unprecedented platform at their disposal to work together and to achieve further transformations of global governance. Proponents of a UNPA believe that the assembly would be a key catalyst for reform and systemic change. A wide range of issues could be addressed and pushed in this unique new framework, including, for instance, the reform of the UN Security Council and of international financial institutions, the strengthening of the International Court of Justice, the establishment of a World Environment Organisation, the creation of a Global Fund for Social Protection or a UN Ombudsperson for Future Generations.

RECENT DEVELOPMENTS AND RECOMMENDED ACTIONS

In 2013, the UN's Independent Expert on the Promotion of an Equitable and Democratic International Order, Alfred de Zayas, endorsed the establishment of a UNPA. In a report to the UN Human Rights Council he recommended that the Council should consider assigning to its Advisory Committee a study on how a UNPA may advance genuine participation.⁸ In a subsequent report to the General Assembly he suggested that the assembly may consider convening a conference to discuss the creation of a UNPA.⁹ The General Assembly, as well as the Human Rights Council, will continue considering the topic of an "equitable

and democratic international order." This provides opportunities for advancing the goal of a UNPA inside the UN system.

CIVICUS, its affiliated organisations around the world and civil society at large should consider joining the international campaign for a UNPA and endorsing the campaign's international appeal.¹⁰ CSOs should urge governments and parliaments to support the recommendations put forward by the Independent Expert and emphasise the need for any UN-led effort to study the proposal of a UNPA to be inclusive and involve consultations with CSOs.

In the deliberations on a post-2015 development agenda, it should be stressed that sustaining a multi-stakeholder consensus for shared global goals is a key function that a UNPA could provide, in addition to reinforcing accountability and bringing global governance, in the pursuit of post-2015 development goals, closer to those directly affected. Global civil society already encourages that the post-2015 framework should "incorporate targets on the reform and democratization of global institutions." This was one of the points resulting from a series of international deliberations of civil society conducted under the auspices of Beyond 2015 and the Global Call to Action Against Poverty.¹¹ The establishment of a UNPA should be identified as a key goal in this broader democratisation agenda.

Finally, in 2013 grassroots activists launched a Global Week of Action for a World Parliament that will now take place annually, each October. The idea is that there is one week each year during which there is a principled and coordinated international call "for the establishment of a World Parliament that will give real representation to all citizens." Last year, a few dozen events and actions took place around the world, and the coordination team hopes that participation will grow continuously over time. CSOs and groups of any kind that support global democratisation are encouraged to use the week of action as an occasion to organise activities.

MORE INFORMATION:

Campaign for a UN Parliamentary Assembly
www.unpacampaign.org

Global Week of Action for a World Parliament
www.worldparliamentnow.org

¹T Franck, The Emerging Right to Democratic Governance, 1992 The American Journal of International Law 86, pg 46.

²P Norris, Democratic Deficit: Critical Citizens Revisited (Cambridge: Cambridge University Press, 2011), pg 92.

We the Peoples: Civil society, the United Nations and Global Governance, Panel of Eminent Persons on United Nations-Civil Society Relations, UN Doc. A/58/817, 11 June 2004, para. 7-9, available at: <http://www.globalpolicy.org/images/pdfs/0611report.pdf>.

³K Wolf, The New Raison d'État as a Problem for Democracy in World Society, (1999) European Journal of International Relations 5(3), 333.

⁴S Kull, Listening to the Voice of Humanity, (2010) Spring-Summer Kosmos Journal 26, pg 27.

⁵Promotion of a democratic and equitable international order, United Nations General Assembly, UN Doc A/RES/68/175, 18 December 2013, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/175.

⁶The idea behind liquid democracy is a mixture between direct and representative democracy that allows for participants to decide on issues directly and at the same time enables them to delegate votes if they wish to do so.

⁷A Zayas, Report of the Independent Expert on the promotion of a democratic and equitable international order, UN Doc. A/HRC/24/38, 1 July 2013, para. 57(d), available at: http://www.ohchr.org/Documents/Issues/IntOrder/A-HRC-24-38_en.pdf.

⁸A Zayas, Promotion of a democratic and equitable international order, UN Doc. A/68/284, 7 August 2013, para. 69(o), available at: http://www.ohchr.org/Documents/Issues/IntOrder/A-68-284_en.pdf.

⁹Appeal for the Establishment of a Parliamentary Assembly at the United Nations, Campaign for the Establishment of a United Nations Parliamentary Assembly, April 2007, available at: <http://en.unpacampaign.org/appeal/en.pdf> or <http://en.unpacampaign.org/appeal/>.

¹⁰National Deliberations: A Synthesis Report, Beyond 2015, March 2013, available at: <http://www.beyond2015.org/news/national-deliberations-synthesis-report>.

¹¹Let the People Decide – World Parliament Now!, Announcement of the Global Week of Action for a World Parliament, 17-24 October 2013, available at: http://www.worldparliamentnow.org/files/announcement_EN.pdf.

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