

Comments

Past, Present and Future of International Parliamentary Institutions

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Historical evolution of international parliamentary institutions

The emergence and growth of international parliamentary institutions (IPIs) is a phenomenon that developed mainly in the second half of the 20th century. Nonetheless, the history of IPIs is even longer and can be described as a process that developed through three main waves, each of them responding to different demands arising in the context of international relations.

First wave: 1889-1945. IPIs roots are closely linked with conflict resolution, peace and international security (Cofelice and Stavridis, 2014). Their origins, indeed, date back to the creation of the Inter-Parliamentary Union (IPU) in 1889. It began as an association of parliamentarians, led by Sir William R. Cremer and the French parliamentarian Frederic Passy, whose goal was to promote the creation of a permanent institutional structure for the peaceful settlement of disputes. With two exceptions, the IPU remained the only functioning international parliament until 1945. One exception was the Nordic Interparliamentary Union, created in 1907 as a forum for co-operation between members of Scandinavian parliaments, which now takes place in the Nordic Council created in 1952. The other was the Empire Parliamentary Association, created in 1911 to connect parliaments from British dominions and self-governing colonies, and renamed, in 1948, the Commonwealth Parliamentary Association.

Second wave: post-WWII and Cold War period.

The proliferation of IPIs started after the Second World War and can be associated to the phenomenon of regional integration (old integration), that includes parliaments as part of a regional “internal” process and the need for its legitimisation and democratic dimension. In this phase, indeed, “the public demand for a better transparency of decision-making in international politics came to the forefront of political debates, especially in Europe” (Sabic 2008, p. 260). This was particularly evident in 1948, when The Hague Congress of the European Movement launched a campaign for unification of Europe, and paved the way for the establishment, the following year, of the Council of Europe, equipped with an Assembly that originally had only a consultative role¹. In spite of these initial limitations, the Consultative Assembly, which in 1974 was renamed Parliamentary Assembly of the Council of Europe (PACE), represents a milestone in the development of IPIs, since it was the first time that a parliamentary dimension was introduced in an international inter-governmental organisation. The Council of Europe’s structure also served as a model for the international organisations established during the Cold War period. Indeed, all key Western European organisations got an inter-parliamentary component during that period: in 1951, the Consultative Assembly of the European Coal and Steel Community was created; the Western European Union introduced a parliamentary assembly as one of its main organs in 1954; in 1956, parliamentarians from NATO member states decided to form

the North Atlantic Assembly, which in 1999 was renamed the NATO Parliamentary Assembly. Moreover, starting from the mid-60s, the notion of IPIs as a forum for facilitating dialogue and contacts among parliamentarians was increasingly pursued across other continents. Thus, the Latin American Parliament was created in 1964, the Arab Inter-Parliamentary Union in 1974, the Central American Parliament in 1975, the ASEAN Inter-Parliamentary Organisation in 1977 and the Andean Parliament in 1979.

Third wave: late 1980s and 1990s. The peak in the formation of IPIs was reached in the late 1980s and 1990s, and is closely linked to at least three major trends and developments in international relations: the decline of ideological walls, which no longer impeded inter-parliamentary cooperation (Sabir, 2008); the processes of democratisation at national level (third wave of democratisation: Huntington, 1991); the processes of globalisation (with its "annex", such as de-territorialization of politics, trans-nationalisation, etc.) and international regional cooperation, that arrived at a new stage creating the need for stronger parliamentary backing (Marschall, 2007). This new stage is often referred to as "new regionalism", defined by Hettne as a multidimensional form of integration which includes economic, political, social and cultural aspects and thus goes far beyond the goal of creating regional-based free trade regimes or security alliances ("old regionalism"); rather, the political ambition of establishing regional coherence and identity seems to be of primary importance (Hettne et al. 1999, p. 16). Since the 1990s, new regionalism has spread worldwide through the creation of new organisations or the "upgrading" of previously existing ones: examples are the European Union (that is considered as the most developed case of second generation integration), the African Union, the Association of South Eastern Asian

Nations, the Mercosur. These new-regionalism initiatives have been accompanied by a parallel wave of parliamentarization efforts, whose agenda contains many elements of the new approach to regionalism.

Thus, since IPIs are closely linked to the phenomena of regionalism and regional integration, they are widespread where these phenomena are more consolidated, namely in Europe, Latin America, Africa and the former Soviet Union Area². As already mentioned, Europe has historically played a prominent role in this process, both because the Council of Europe was the first organisation to add a parliamentary dimension to its institutional architecture in 1949, and because the European Parliament (EP) was the first supra-national parliamentary institution to be elected by universal suffrage in 1979³. In other contexts, the experience of regional/sub-regional parliamentary bodies is more recent.

A look at the present: a brief overview of parliamentary functions and powers

In general, the affiliation to regional organisations confers on these parliamentary bodies the capacity to be part and virtually influence inter-governmental decision-making processes, and at the same time to acquire and develop a set of functions that somehow mirror the traditional ones exercised by legislatures at the national level, such as representation, law- and policy-making, control of the executive branch. Nevertheless, international parliamentary bodies are not equal at all in terms of how they can exercise these functions, and actually only few of them have the statutory powers to make decisions that are binding for governments. In other words, the attachment to an intergovernmental organisation may represent a necessary, but not a sufficient

condition for their empowerment. In particular, the EP is the only one to be currently equipped with a considerable range of appointment, oversight, legislative and budgetary functions, acquired through a gradual process of empowerment over time.

Other IPIs, however, have begun developing noteworthy functions in some specific areas. In addition to the EP, for instance, two 'young' African parliaments, namely the CEMAC Community Parliament (CEMAC CP) and the UEMOA IPC, have a significant deal of oversight functions, since they can adopt a motion of censure on the activities of their respective Commissions. However, the consequences of a non-confidence vote are markedly different: while the EU Commission *must* resign if censured by the EP, the motion of censure adopted by the CEMAC CP and the UEMOA IPC is transmitted to the respective Conference of Heads of State, that *can invite* the two Commissions to resign.

As to the appointment function, the PACE has the right to elect the Secretary General of the Organisation and the judges of the European Court of Human Rights.

In terms of legislative powers, a marked difference still exists between the EP, endowed through the ordinary legislative procedure with co-equal status alongside the Council of the EU in a wide range of areas, and the majority of other IPIs that participate in the decision-making process of the respective organisations mainly on a consultative basis. However, also in this domain noteworthy exceptions exist. For instance, the standard-setting work of the PACE is considered to be at the root of over one third of the conventions adopted by the Council of Europe, including the European Social Charter and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (De Puig, 2008). In the East African Community, the Legislative Assembly

shares the right of legislative initiative with the Council of Ministers. Finally, the Parlasur, Nordic Council, ECOWAS Parliament, CEMAC CP and UEMOA IPC must be consulted in a number of policy areas by regional decision-making bodies before any act is passed. In the cases of the CEMAC CP and UEMOA IPC, their assent is even mandatory as to the adhesion of new member States, agreements with third countries and the right to free movement of people.

Moreover, it has to be stressed that IPIs have generally tried to compensate the lack of legislative powers with additional, less traditional, functions, such as: strengthening the ability of national parliamentarians to exercise oversight functions at home; lobbying governments to ratify international legal instruments; carrying out election observation and democratic technical assistance programmes; promoting confidence building, conflict resolution and human rights.

Conclusions and possible future developments

Drawing on this brief overview, the following concluding observations can be formulated. First of all: once IPIs start to operate, they become robust over time (Marschall 2007). Situations where IPIs happen to vanish are indeed rare⁴; sometimes they can become "dormant" institutions, due to declining political interest and/or the lack of resources, but still they keep on gathering meetings from time to time (e.g. the Assembly of Caribbean Community Parliamentarians). As a consequence of their geographic proliferation and robustness over time, according to the recent literature, the number of currently existing IPIs ranges between a minimum of 40 (De Puig, 2008) to a maximum of about 100 (Kissling, 2011), depending on the kind of definition and categorisation adopted. Secondly, IPIs seem to have become rather

an essential component in the institutional architecture of international organisations (Marschall, 2007). On the one hand, the creation of new intergovernmental organisations goes often along with discussions about incorporating a parliamentary body into them; on the other, existing international organisations that lack a parliamentary body are more and more criticised for what is supposed to be an institutional deficit. This is especially true for the United Nations: scholars like Archibugi and Held (1995), for instance, advocate the creation of a United Nations Parliamentary Assembly as a body representing the national legislatures, thus supplementing the General Assembly⁵; others, like Falk and Strauss (2001), evoke the establishment of a “global democratic forum”, a sort of overreaching parliamentary body with oversight functions on IGOs like the IMF, the WTO and the World Bank⁶.

Finally, it has to be stressed that even though the process of parliamentary empowerment

has been more intense in the EP case, it is not circumscribed to this specific parliament: as described above, other (‘younger’) IPIs are experiencing similar processes, too. Thus, it would be particularly interesting to explore whether the conditions that led to the development of EP’s powers are actually working in other contexts, or whether totally different processes are underway. Moreover, comparative studies in this field would also allow to test the accuracy and validity of theoretical approaches aiming to explain the puzzle of IPIs’ establishment and empowerment – approaches that so far have been mainly based on the analysis of the EP case. These researches might be particularly helpful to provide an answer to the complex debate on whether and how far these forms of international parliamentary institutions can contribute to remedying the democratic deficit at the international level, as indeed advocated by the theorists of the “international democracy” approach.

Quoted references

- Archibugi D. and Held D., eds. (1995), *Cosmopolitan Democracy. An Agenda for a New World Order*, Cambridge, Polity Press.
- Cofelice A. (2015), *Exploring the Population of International Parliamentary Institutions*, Centro Studi sul Federalismo, Research Paper, Dicembre 2015.
- Cofelice A. and Stavridis S. (2014), *The European Parliament as an International Parliamentary Institution*, in “European Foreign Affairs Review”, vol. 19, no. 2, p. 145–178.
- De Puig L.M. (2008), *International Parliaments*, Strasbourg, Council of Europe Publishing.
- Falk R. and Strauss A. (2001), *Toward Global Parliament*, in “Foreign Affairs”, vol. 80, n. 1.
- Hettne B., Inotai A., and Sunkel O., eds. (1999), *Globalism and the New Regionalism*, London, Macmillan.
- Huntington S. P. (1991), *The Third Wave: Democratization in the Late Twentieth Century*, University of Oklahoma Press.
- Kissling C. (2011), *The Legal and Political Status of International Parliamentary Institutions*, Berlin, Committee for a Democratic U.N.
- Levi L., Finizio G. and Vallinoto N., eds. (2014), *The Democratization of International Institutions: First International Democracy Report*, Routledge.
- Marschall S. (2007), *European Parliaments in Transnational Organizations: Parliamentary Cooperation beyond the European Union*, Paper prepared for the conference “Fifty years of interparliamentary cooperation”, Bundesrat, Berlin, 13 June 2007.
- Sabic Z. (2008), *Building Democratic and Responsible Global Governance: the Role of International Parliamentary Institutions*, in “Parliamentary Affairs”, vol. 61, n. 2, p. 255–271.

¹ The result of the negotiations did not quite meet the expectations of the supporters of unification, who had hoped for a parliamentary institution with legislative powers.

² For a mapping of these institutions, see, in particular, Levi et al. 2014; Cofelice 2015.

³ Currently, the Central American Parliament (Parlacen), the Andean Parliament (Parlandino) and, partially, the Parliament of the Mercosur (Parlasur) are also directly elected.

⁴ Two (isolated) examples are represented by the Parliamentary Assembly of the Western European Union and the EurAsEC Inter-Parliamentary Assembly, that ceased to exist in 2011 and 2014, as a consequence of the dissolution of the respective organisation.

⁵ This is also the goal of the recent world-wide civil society Campaign for a UN Parliamentary Assembly (see: en.unpacampaign.org).

⁶ In the authors’ view, the global democratic forum is understood as an intermediate step in a process that should culminate in the establishment of a fully-fledged global parliament.