

A World Parliamentary Assembly: The Key to Global Democracy

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Abstract: A World Parliamentary Assembly is supposed to represent the voice of the world's citizens at the UN and in global governance. In recent years, support for the establishment of such a body has grown considerably. Based on the extraordinary long-term trend toward democracy, this presentation highlights the democratic deficit of global governance. The possible development from a consultative assembly to a world legislature is illustrated with reference to the example of the EU Parliament. Topics that are touched upon include the possible allocation of seats in the assembly. Finally, the proposal is put into the context of a third democratic transformation. After the invention of democracy in Greek city states 400 B.C. and its expansion to large territorial states based on the principle of representation in the 18th century, there now is the need for planetary democratization.

Global problems require global solutions. This is the key premise of this conference. Exploring and implementing such solutions is the motive behind the remarkable efforts of our host, Joseph Schwartzberg. I wish to congratulate him on the establishment of the Workable World Trust, on the organization of this excellent conference, and, of course, on his book "Transforming the United Nations System."

The topic of my presentation is the establishment of a World Parliamentary Assembly. This is a subject that Joe has been working on for a long time. It is a pleasure that he has asked me to talk about this subject today.

Effective and legitimate decision-making bodies are the foundation of a workable world order. In the introduction of his book Joe observes that the design of decision-making institutions has an important bearing on the quality and legitimacy of the decisions they make. From this it follows that society will be inclined to provide well-designed institutions with greater responsibility and greater resources. As Joe writes, this can set in motion a virtuous cycle that will contribute significantly to the evolution of a more workable world.¹

A World Parliamentary Assembly is a means to democratize the UN and the system of global governance. But it is more than this. We expect that the assembly will be an important agent for fundamental change. It is a key to initiate a virtuous cycle that not only leads towards a more democratic, but also towards a more effective system of global governance.

The need for global political integration and a World Parliamentary Assembly stems from two of the most important developments of modern time. This is the trend toward democracy on the one hand, and the process of globalization on the other.

The trend toward democracy

The rise of democracy in the world is one of the most remarkable trends of our time. In the year 1900 there was not one single country in the world that provided for equal and universal suffrage. Fifty years later, after the Second World War, a third of the world's population lived in 23 countries considered democratic by the Polity IV research project. Today, around sixty percent of the world's population live in democracies. We continue to witness what researchers have called the third wave of democratization. Since the end of the Cold War, the number of electoral democracies as it is counted by Freedom House Foundation in Washington D.C. rose from 69 in 1989 to 125 in 2015. This is the highest number ever until now.

Today, democracy is almost universally recognised as the only legitimate form of government. At the 2005 World Summit of the United Nations, for example, 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."

The strengthening of democracy is not only a declared goal of the United Nations or regional organizations such as the Council of Europe. You will also find this goal in documents adopted by the Organization of American States, the Association of South East Asian Nations, the South Asian Association for Regional Cooperation, or the African Union.

It is true that there are different understandings of what democracy is, and it comes in many different forms. But international law and human rights norms describe some fundamental principles. For instance, Article 21 of the Universal Declaration of Human Rights (UDHR) of 1948 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 by 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."

Democracy also enjoys overwhelming support in the world's population as empirical studies show. The World Values Survey conducted between 2005 and 2007, for instance, measured an average global approval rate of 92 percent. There was no big variance across cultures or world regions.

Democracy has become a universal value but at the same time, if we look at the state of democracy today, there is a lot of public discontent and dissatisfaction. This is not a contradiction. People strongly believe in democracy as an *ideal form of government* but they are dissatisfied with how it *works in practice*. The tension between the belief in democracy as an abstract principle and a disappointment with its practical implementation is what constitutes a democratic deficit.

The democratic deficit of global governance

The process of globalization is feeding an ever increasing democratic deficit. Eleven years ago, then UN Secretary General Kofi Annan established a panel of eminent persons that was tasked to explore the relationship between the United Nations and Civil Society. The panel's report contained a striking analysis of the nature of the global democratic deficit. According to the panel, one of the root causes is the absence of parliamentary representation in global governance. 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." But "representative democracy remains essentially national and local" and "elected legislators and parliaments seem to have little impact on decisions made intergovernmentally."

According to the panel, the dissatisfaction with the performance of is strongly linked to "the perception that traditional forms of representation are less relevant in this age of globalization."²

Global interdependence of economic, financial and technological systems as well as global challenges such as climate change increase the need of global coordination, regulation and management. Necessarily, 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. Intergovernmental bodies are largely disconnected from parliamentary oversight, participation and deliberation. International treaty negotiations in particular are often conducted in total secrecy by faceless department officials. A recent example for this that drew strong criticism are the negotiations on 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. By contrast to elected representatives or civil society organizations, multinational corporations and their industry associations are often granted access and consulted in international negotiations.

The democratic deficit in global governance is also caused 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 a higher priority of climate change mitigation.³

The view of government officials is limited when it comes to finding global solutions. Their task is to advance their government's particular interests. But the lowest common denominator of national interests is not equivalent to the common interest of humanity as a whole. What is lacking today in the system of global governance is a body that is truly able to take on a global perspective and to represent the voice of the world's citizens.

The dysfunctional principle of one state, one vote

Effective global rulemaking is impaired by one of the most fundamental principles in international law, namely by the concept of sovereign equality of states. From this concept it follows that the creation of international law through intergovernmental treaties is based on consensus. It is at the discretion of states whether they chose to join or not to join a treaty. This is the reason why international treaty negotiations mostly revolve around finding the lowest common denominator of all states that are involved.

A solution would be to move towards qualified majority voting in certain policy areas. But then we are confronted with further issues. According to the principle of the equality of states, each state should have one vote in international decision-making, no matter how large or small.

In the UN General Assembly all 193 UN member states are equally represented. Based on this it is often assumed that the General Assembly has a strong moral authority and there is much talk of the assembly's so-called "revitalization." Seven years ago, the then President of the UN General Assembly even suggested that the assembly should be able to adopt generally binding resolutions.

From a democratic perspective this would be very bad. In reality, the UN's member states are not equal at all. As Joe Schwartzberg has pointed out, "Despite the universality of its membership the present allocation of power in the Assembly utterly fails to reflect the distribution of power in the world outside the United Nations itself."⁴ In his book and previous publications he has suggested a method of weighted voting based on three principles: population size, contribution to the UN budget, and legal equality of nations. The problem is caused by the dramatically uneven distribution of the world's citizens among the UN's member states. The principle of one state, one vote collides with the principle of one person, one vote.

A few figures demonstrate this:

- In theory, the 128 least populous countries in the world are able to pass resolutions in the UN General Assembly with a 2/3 majority but they only account for 8.4 percent of the world's population and only 11.2 percent of the world's gross domestic product.
- In addition, the 65 least populous countries that account for not even 1 percent of the world's population are able to block a 2/3 majority vote.
- Then the 10 most populous countries alone account for nearly 60 percent of the world's population but only hold five percent of the votes in the General Assembly.

The bottom line is that the twelve thousand citizens of Tuvalu have the same weight as 1.3 billion Chinese.

Actually, the situation is even worse than these numbers suggest.

The government delegates at the UN do not even represent the entire population of their countries. At best, they represent those citizens who voted the government into power but not those who voted for the opposition. Provided that there are democratic elections at all.

The right to democratic global governance

Based on the longstanding recognition of democracy in various international treaties and statements, Thomas Franck argued already 25 years ago that there is a right to democratic governance.⁵

Today it is clear that such a right cannot be limited to the national level. The essence of democratic governance, as it is implied by the UDHR 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 this decision. At the very least those who are affected should be able to freely elect their representatives. It cannot matter at which level of governance a decision is being taken. If the right to democratic governance was limited to the national level it would be unduly eroded when decision-making shifts to the global sphere but this is exactly what is happening.

In his book, Joe Schwartzberg rightfully points out that Article 21 of the UDHR stipulates that "the will of the people shall be the basis of the authority of government" and that some would argue that at

the global level this is simply not relevant since no global government exists. But as Anne-Marie Slaughter observed, international government networks already can and already do perform many of the functions of a world government, that is legislation, administration, and adjudication, but without the form.⁶

Article 28 of the UDHR 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 several resolutions adopted by the General Assembly since 2004, the existence of a right to *global* democratic governance was confirmed. Among other things it was stated "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" and, most importantly, that this involves "the right to equitable participation of all, without any discrimination, in domestic and global decision-making."⁷

But how can the participation of all in global decision-making be achieved? International human rights norms already give the answer. One indispensable way is through democratic representation and the instrument to make this possible is a World Parliamentary Assembly.

A World 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 UN Parliamentary Assembly (UNPA) was already put forward in 1949. After the end of the Cold War the idea developed some momentum, and in 2007 parliamentarians and non-governmental organizations launched the Campaign for a UN Parliamentary Assembly in order to coordinate and strengthen the efforts internationally.

A UNPA, or a World Parliamentary Assembly, would have the main purpose of giving elected representatives of the world's citizens a voice in political negotiations and decision-making in global intergovernmental organisations. Its function would also include democratic oversight of the UN's administration and operations.

The members could be directly elected or appointed from among national or regional parliaments. In the latter case, it would be a requirement that the political diversity of the parliament is reflected in the composition of the delegation. In the long run, all members should be directly elected.

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 and a subsequent agreement with the UN. A cumbersome amendment of the UN Charter, which would require the approval of the five permanent members of the UN Security Council, is not necessary.

Even 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 the long run, the assembly could become one of the main bodies of a transformed world organization.

The development of the European Parliament

A key to understanding is to conceive of a UNPA as the beginning of a process and not as a final goal.

An important example to draw upon is the development of the European Parliament.

After the Second World War, European countries wanted to find a reliable way to prevent violent conflicts on the continent once and for all. Eventually they came up with the idea to create a joint authority that would oversee the production of war-relevant resources. This was the birth of the European Community on Coal and Steel in 1952. Five years later, the six founding members also agreed on the establishment of two more intergovernmental organizations in Europe, the European Atomic Energy Community and the European Economic Community. The economic community was thought to facilitate closer integration and prosperity on the continent.

Until the treaty of Amsterdam of 1997, these three European organizations were formally separate entities just like the UN system today includes around twenty legally autonomous organizations. But there was an important difference. To avert ineffective parallel structures, it was decided that the three European communities should share common bodies. One of these bodies was the European Parliament which originated from the so-called Common Assembly of the Community on Coal and Steel. In a similar way, the UNPA could become a shared parliamentary body of various entities in the UN system and thus contribute to overcoming the fragmentation of international law and global policy-making.

The Common Assembly was tasked to oversee the work of the community's executive, the so-called High Authority. To do so, the assembly established commissions that corresponded to the High Authority's departments. The assembly deliberated on the annual report of the High Authority and had the right to force its resignation by a two-thirds majority vote.

The Common Assembly was composed of elected representatives. According to the treaty of the Coal and Steel community, the member states could decide themselves whether their delegates to the Common Assembly would be coming from national parliaments or whether they would be directly elected. No member state made use of the latter option so that the assembly initially was only made up of national members of parliament. The members organized themselves in transnational political groups and not according to their national origins. This contributed to a genuinely European perspective of the assembly's work.

In 1957, when the Common Assembly was transformed into the European Parliament, the optional choice of direct elections was eliminated. It was decided that the parliament should devise plans for the direct election of all members.

Step by step, the powers of the European communities were expanded. This process went along with a growing need to improve the democratic legitimacy of the European institutions. This was done by

strengthening the European Parliament. In 1975, the European Parliament was vested with the power to co-decide over the community budgets. Finally direct elections were introduced in 1979. One year later, in 1980, using its new democratic legitimacy, the parliament rejected the community budget for the first time.

We do not need to look at the subsequent development in detail. The process of European integration went on with the conclusion of several treaties the last of which, until now, was the treaty of Lisbon in 2007 that created the European Union as a coherent legal entity. The point is that over time the European Parliament developed from a body of national parliamentarians to a directly elected assembly and that its powers were expanded incrementally. Together with the Council it is the EU's legislative body today.

What's more, at crucial moments the European Parliament played an important role in bringing the integration process back on track. In the early 1980ies, the decision-making institutions of the European communities were paralyzed because of the principle of unanimity. Since every of then twelve governments could block any decision, it often happened that no decisions were taken at all. In 1984 the European Parliament presented a draft constitution for a federal European Union with a real legislature that was based on majority decisions. This forced the governments to come up with their own proposals for institutional reform. Over time, majority decision-making was introduced in more and more policy areas.

In the process of global political integration, a World Parliamentary Assembly could play a similar role.

The allocation of seats

A workable world order eventually will have to include a global legislative system that, in principle, is capable of determining universally binding regulation in areas of global concern. Such a system will have to be based on two pillars: a body representing the states like today's General Assembly and an elected body representing the world's citizens. It is imaginable that for global rules to become universally binding, it would be useful to include another layer of decision-making. It could be provided that regulation that is passed by the General Assembly and the Parliamentary Assembly would have to be approved by a certain majority of national parliaments as well so that the traditional process of ratification is not entirely abandoned but partly included in the new system. To be more effective, it might be better to give a certain majority of national parliaments the possibility to override global legislation within a certain period of time after which it otherwise would automatically enter into force.

In any case, a more balanced distribution of voting power is a precondition to allow for methods of qualified majority voting. Given that the purpose of a parliamentary assembly is to represent the diversity of the world population in the best possible way, population size needs to be a factor in the allocation of seats. Before we can examine possible principles and models we need to acknowledge that there is an upper limit for the total number of seats. If the assembly has too many members, this would undermine its practicability and efficiency. The largest possible number probably lies between 700 and 900 delegates.

It also needs to be acknowledged that in a first step, states are the building blocks of a parliamentary assembly. They are the constituencies from which the members will come, whether from parliaments or directly elected. Because of the extreme unequal distribution of the world population among the world's countries it is necessary to find a formula that balances the weight of small and large states.

With a directly proportional system, the small countries would be marginalized. The solution is to distribute the seats according to a sliding scale. This is also how it is done in the European Parliament. The EU treaty provides for an upper limit of 750 seats. Small countries receive relatively more seats per capita than large ones. Malta as the smallest EU country gets one seat per 70,000 inhabitants while Germany as the largest one gets one seat per 833,000 inhabitants. In the world as a whole the difference would be more extreme but it will depend on the exact formula that is applied.

In his book, Joe Schwartzberg has devised three stages in the development of a World Parliamentary Assembly that go along with three sophisticated models for the allocation of seats. Step by step, as the powers of the assembly are expanded, the democratic requirements increase. While the first two stages are also balancing the weight between small and large countries in the allocation of seats, the last stage entails the establishment of worldwide electoral fields that would allow for a directly proportional distribution according to the principle of one person, one vote.

Finally it needs to be said that there is broad agreement that popular elections are a precondition for vesting the assembly with legislative powers in conjunction with the General Assembly.

Final remarks

According to Robert Dahl it is possible to speak of three big transformations in the history of democracy.⁸ The first transformation occurred around 500 B.C. when the autocratic city states in Greece developed into the first political systems that included democratic decision-making. The key institution was the people's assembly, a gathering of all eligible men. For the next two thousand years, democracy was identified with small city states and direct participation of the citizens. This changed when the second transformation happened in the 18th century. In the course of the American and French revolutions, the principle of democracy was expanded to large territorial states. The key was the idea of democratic representation. What followed was the trend toward democracy that is still advancing today.

We are now witnessing the beginning of a third transformation. As global interdependence grows and critical issues can no longer be solved by states acting alone, the nature of government and rule-making is changing. Transnational government networks already fulfill the function, if not the form, of world governance. Just as it was difficult to imagine in the 18th century that democracy would be possible in large territorial states, it is still difficult for many people today to imagine that democracy can work at the global scale. But the emergence of a democratic and workable global order is exactly what the third transformation is about.

The most important milestone in this new transformation is the establishment of a World Parliamentary Assembly.

¹ Schwartzberg, Joseph. 2013. *Transforming the United Nations System. Designs for a Workable World*. Tokyo, New York, Paris: United Nations University Press. p. 2.

² Panel of Eminent Persons on United Nations-Civil Society Relations, "We the Peoples: Civil society, the United Nations and Global Governance", UN Doc. A/58/817, 11 June 2004, para. 7-9, <http://www.globalpolicy.org/images/pdfs/0611report.pdf>.

³ Kull, Steven. „Listening to the Voice of Humanity“. *Kosmos Journal*, Nr. Spring-Summer (2010): 26–29. P. 27.

⁴ Schwartzberg, p. 14.

⁵ Franck, Thomas M. „The Emerging Right to Democratic Governance“. *The American Journal of International Law*, Nr. 86 (1992): 46–91.

⁶ Slaughter, Anne-Marie. 2004. *A new world order*. Princeton: Princeton University Press. p. 4.

⁷ Most recently: United Nations. 2014. „Promotion of a democratic and equitable international order“. UN Doc. A/RES/69/178.

⁸ Dahl, Robert. „A Democratic Dilemma: System Effectiveness versus Citizen Participation“. *Political Science Quarterly* 109, Nr. 1 (1994): 23–34.