

The Evolution of Global Legislators: Practice, Theory, Practice*

Tom Spencer
Director
The European Connection, European Centre for Public Affairs
United Kingdom

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PLANETARY PARLIAMENTARIANS

Parliamentarians have an unacknowledged role as the wordsmiths, myth-makers and story-tellers to the tribes of this planet. They are the ones who are supposed to think in a wide frame and to offer guidance through the challenges which lie ahead. This requires politicians to acknowledge their duty to think in an ethical dimension. Science has given us the ability to look at our planet from space and to appreciate the inter-relatedness of everything which happens on our small and beautiful Earth. This generation is engaged, whether it likes it or not, in the challenging business of creating a global democracy based on an underlying sense of a global polis. Democracy is not just about majorities; it is about generating a sense of equity for all those whose interests inter-relate. Parliamentarians, rather than ministers, have a particular responsibility to put the global institutions of democracy into place.

At the Kyoto Conference I dared to speak not just for GLOBE, but for all parliamentarians. “Mr Chairman, as parliamentarians we have to stand on platforms around the planet and explain to electors why the monsoon is late, the rivers are dry, or the floods are rising; to explain why the forest is burning, the cattle are dying, or in some countries why there is surf in the High Street. To explain above all that these are not Acts of God, but Acts of Man.”

The last twenty years have seen the creation of a web of treaty commitments and international institution building, unparalleled since the 1940's. The pattern is almost always the same. A problem, often environmental, is identified. The UN helps give birth to a process of international negotiation in which national civil servants, scientists, corporations and NGO's take part. National parliamentarians are excluded from the process and ultimately presented with no choice but to ratify whatever agreement has been reached and then to vote the ensuing budget. This process leads to a gathering sense of powerlessness amongst parliamentarians world-wide and feeds into the sense of alienation amongst their electorates.

CLIMATE CHANGE: A CHALLENGE FOR PARLIAMENTARIANS

The politics of climate change only make sense when seen as a product of the clash of interests interacting with the development of global institutions. It is worth examining the activities of corporations, civil society and states and their attitudes to parliamentarians in the context of climate change. The corporate sector has generally tended to regard parliamentarians as a low priority for their lobbying activity, believing them to be substantially powerless in this context. It has tended to ignore them, except when seeking to take advantage of their abilities to block new developments, most obviously in the case of the United States Senate. Civil society activists, while careful to court parliamentarians, have seen them as rivals for the ear of the Executive. They have also displayed a tendency to regard parliamentarians as dumb and ill-informed by comparison with those non-governmental organisations intimately involved in the details of climate change negotiations.

Similarly, nation states involved in a complex international negotiation have shown a marked preference for excluding parliamentarians from the process, believing that their involvement would complicate the task of reaching acceptable agreements.

The political process of climate change, technically a Conference of the Parties to the Climate Convention (CoPs), is perhaps best characterised as a “mobile standing conference” of certain individuals (civil servants, NGO activists, scientists and lobbyists). These CoPs have certain advantages in terms of flexibility, but have very inadequate parliamentary input and results in a democratic deficit even worse than that of the European Union. All successful governance in the 21st century is now expected to meet certain standards of legitimacy, transparency and accountability, but the existing practice of climate negotiations is deficient on all three counts. Parliamentarians are part of the answer to strengthening the process. To be successful parliamentarians need to recognise the role that they can play and to physically insert themselves into the process. In the complex and incomplete fluidity of the existing global political space, democratically elected parliamentarians are entitled to adapt their national mandate for global use, which is what they did in the coffee bars of Kyoto and the corridors of the WTO.

CHECKS AND BALANCES OR PUBLIC-PRIVATE PARTNERSHIPS

There are many symptoms of a wide malaise in the world's body politic. We have created an economic globalization without a matching political framework. In place of the traditional checks and balances of our national parliamentary systems we are offered a seductive new model. We are assured that the future lies in the triangular relationship and “partnership” between Government, Business and Civil Society. This model conceals a series of dangerous simplifications. ‘Government’ is in effect just the Executive, with no parliaments and no local or regional government input. ‘Business’ is just multi-national companies, excluding national corporations, small and medium-sized enterprises, trade associations and the huge tribe of individuals who work for themselves in the new knowledge economy. ‘Civil Society’ is all too often represented as just globally organized NGOs, with no input from the faith communities, women, journalists and all the richness of a properly functioning polis.

Behind this model there lies a major power struggle. The governments have been losing power to multi-national business, and more recently to certain NGOs, while remaining reluctant to pool power in international institutions other than the EU. The belief that ‘no-one is in control’ may be a convenient myth for some interests, but it undermines public faith in the system. If no one is in control there is no one to sack, no one to hold responsible. It is not surprising therefore that we have seen the emergence of rioting at every event from the late 1990s onwards at which the world's governing elites have met. The groups who benefited from this rioting have been diverse. For the anarchists it brings a renewed sense of relevance. For respectable NGOs, who denounce the violence, it brings renewed media attention and a chance to push their agendas regardless of the thinness of their democratic mandate. For the media it is a good visual story.

A cynic might occasionally believe that even governments may have not been entirely unhappy with the media attention that now accompanies international gatherings. Some have detected a tendency for governments to use the riots as an opportunity to claw back some of the power they have lost to business. The riots offer the opportunity to start on the road to creating international institutions that could be defended in front of electorates. This will mean more openness and more accountability. However, governments cannot do this by themselves. They will need the support of parliamentarians world-wide in the construction of a system with legitimacy. The riots may yet accelerate reform.

The interface between globalisation and global governance requires us to address three linked questions. How seriously does globalisation challenge the established pattern of territorially based governance? Does it require supra-national governance at a global level? To what extent can it, or should it, be democratic?

FROM TERRITORIAL AND FORMAL TO GLOBAL AND INFORMAL GOVERNANCE

The attacks of September 11th invited much re-thinking about global problems and global responses in foreign policy which is still being worked upon by politicians and academics alike. Bellamy and Jones make a useful distinction between the 'supply' and 'demand' sides of this equation. They define the 'supply side' as being the extent to which the failures of the nation state require new forms of governance. By contrast they define the 'demand' side as being the pressure of new global problems requiring new forms of governance.

A second set of considerations is the extent to which global governance will be either 'public or private' and 'formal or informal'. The existing pattern of global governance is largely formal and public, representing states including all those which fail to meet basic democratic standards. It is of course possible that this existing model could evolve in both a more informal and a more democratic direction in order to meet specific challenges. For instance we increasingly see informal coalitions of the willing forming outside traditional structures involving non-state partners. There have also been those who place their faith in formally involving the private sector in the process of governance. The United Nations has attempted this in several ways, both with NGOs and with corporations. A fourth option is to see the continued growth of private governance, predominantly via the market place. If unrestrained this could lead to what has been characterised as the 'privatisation of governance in a semi-medieval manner'.

Part of the problem is the unevenness of globalisation. It has had a strong impact in areas such as finance, but before September 11th, hardly touched other areas such as security. This leads to uncertainty when efforts are made to adapt the traditional framework of national territorial governance to the global space. For example, those writing in the cosmopolitan democracy tradition, such as David Held, argue for a formal structure of democratically elected assemblies at global and

regional levels. They are then faced with the argument that such structures are unnecessarily complex to meet the problems which they address. Other authors in this tradition meet this criticism by exploring so-called 'intermediate possibilities' such as cross border referenda, deliberative forums, reciprocal representation and various forms of what would have been described in the 19th century as 'fancy franchises'.

Some writers such as Zolo mount an all out attack on what they describe as 'legal globalism' arguing that the advocates of global parliamentary assemblies and the like are engaged in an exercise in cultural imperialism on behalf of the dominant states of the current structure. In particular, they regard attempts to democratise the United Nations as mistaken, given what they regard as the domination of the UN by the USA and its western allies. As such they give little credence to the suggestions for democratising the UN put forward by Boutros Boutros-Ghali. They offer even less support to the advocates of a fully fledged People's Assembly or World Parliament such as Galtung or Falk.

My own belief is that the challenge of globalisation does require new forms of governance that will 'modify and complement, but not replace, old forms of governance' (Bellamy and Jones). It is also my conclusion that such structures should seek to adapt the best traditions of parliamentary democracy, even if these cannot be precisely or totally replicated at global level.

To date the assumption has usually been that "politics is still national". Vincent Cable expressed this in his book 'Globalisation and Global Governance': "No one seriously pretends that bodies such as the European Parliament - let alone the Council of Europe or the Inter-Parliamentary Union - have serious political power in their own right. Where there is international co-operation - in the IMF, the UN, The World Trade Organisation, the European Union - it occurs through the mediation of national ministers. The legitimacy of politicians resides essentially in their domestic electorates." (Cable 1999)

This is a counsel of despair. It will be interesting to see if his experience of elected politics changes his view. It is no longer borne out by the experience of recent years with the activities of global NGOs and the legislative power of the European Parliament after the Treaties of Maastricht and Amsterdam. However it is true, as Barry Holden writes in his introduction to 'Global Democracy, Key Debates' that: "Historically, the theory and practice of liberal democracy has been integrally connected with nation-states and based on the presupposition that such communities control their own destinies. The theory of democracy has taken 'for granted the link between the demos, citizenship, electoral mechanisms, the nature of consent, and the boundaries of the nation-state'." (Holden 1999) Again, the European experience is illuminating. Euro-sceptics have argued that because the European demos has not replaced a national demos there can be no European politics. Yet we see every day around us not only European politics but European legislation and a convergence of approaches to what are now recognised as European problems. One cannot deny however that there remains a substantial unease amongst many Europeans about the democratic control of a European Union that is

perceived to have been constructed by elites for elites. Holden points to a similar sense of anomie: “to the extent that the autonomy of states is reduced – by the globalisation processes – the ability of the people in a state to control what happens to them, is diminished. In other words, the ability of the people to rule is diminished.” (Holden 2000).

A GLOBAL DEMOCRACY?

Debates about the existence of a global democratic deficit are widespread. They reflect the core reality that we have created a world of global economic integration without the political institutions to manage or validate it. As Holden (1996 pp 138-9) puts it: “There is developing a theory of ‘cosmopolitan democracy’. To sum this up, one could say that the core idea of democracy, rule by the people, needs - and is starting - to be rethought because of changes in the world that may be rendering obsolete received notions of ‘rule’ and ‘the people’. The traditional idea of democracy centres on the state. The state gives content to ‘rule by the people’. It does this by specifying ‘rule’ as ‘that which is done by the state’, ‘the people’ as ‘those who are citizens of the state’ and accordingly ‘rule by the people’ as ‘control of the state by its citizens’. Now changes are afoot that are undermining this account.”

The wilder advocates of cosmopolitan democracy seek to argue that there already exists a global or universal demos. They argue that a world state is imminent, and that just as European elites could create the European Union, so global elites can create a world state with all the institutions of a nation state. Boli and Thomas argue elegantly that such values are shared, often unconsciously, by global elites in the institutions of global governance and in international non-governmental organisations: “To achieve their goals they emphasise communication, knowledge, consensual values and decision-making and individual commitment. Following are five basic world-cultural principles that underlie INGO ideologies and structures: universalism, individualism, rational voluntaristic authority, human purposes of rationalising progress, and world citizenship... A world not characterised by universalism does not coalesce as a singular polity; rather, it develops distinct subworld polities (societies, civilisations, empires) across which joint mobilisation is unlikely. At the opposite extreme, a world state would thoroughly incorporate and regulate individuals and organisations - universalism would prevail but it would be bureaucratically absorbed...” (Boli and Thomas: *World Culture in the World Polity*)

It is not surprising that complaints about the democratic deficit occur to varying extents in all international organisations. There is a range of responses that are regularly heard in political circles. There are those who argue that the democratic deficit is a non-problem, and that all that is necessary is to improve communication between national civil services and strengthen inter governmental co-operation. Similarly there are those who accept that there is a problem, but who do not regard parliamentarians as part of the answer. They recommend an intensification of dialogue with business

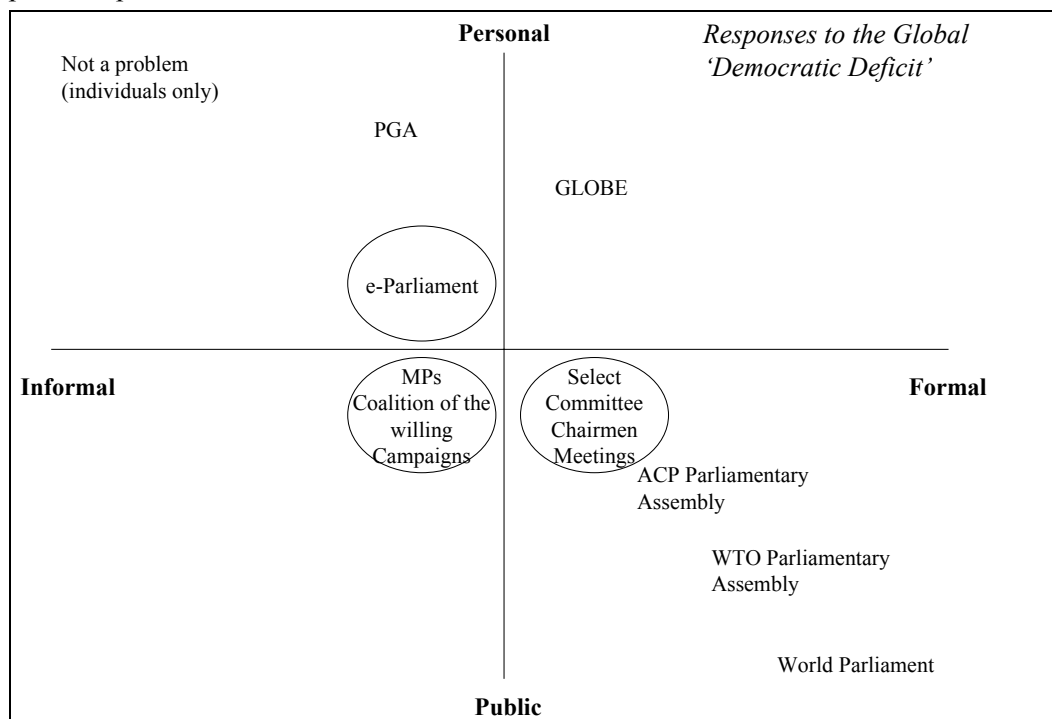
and with other civil society organisations, in particular with globally organised non-governmental organisations.

A popular approach to the challenge of the democratic deficit argues a one size fits all solution and recommends involving the Inter-Parliamentary Union with its established practices, its status with the United Nations and its universal membership which ignores the less than democratic roots of many parliaments. On the other hand, there are those who argue that the democratic deficit can only be satisfactorily ameliorated in the individual context of each global organisation.

INSTITUTIONAL ALTERNATIVES TO A GLOBAL PARLIAMENT

As we have seen, there are the advocates of “cosmopolitan democracy” school of thought, which believes that the challenge cannot be met by half measures. They believe that what is needed is a fully worked out world parliament, a global people’s assembly or at the very least, a UN parliamentary assembly. Alternately there are those who believe that the problem can be mitigated by limited creative innovations designed to bring individual parliamentarians such as the chairmen of specialist committees directly into contact with the heads of UN agencies and the Bretton Woods institutions. Cross cutting these arguments are those who believe that modern communications technology enables us to overcome the time/space problem and to create an e-parliament, with “e” standing both for earth and electronic.

If we attempt to lay out these responses in a simple diagram we can place these options along the axes personal/public and informal/formal.



It is certainly technically possible that we could take advantage of the existence of a large body of democratically elected members of parliament, numbering some twenty five thousand world wide, and to use them as the key building block in constructing a variety of new parliamentary institutions and activities which effectively replicate at global level the functions of successful parliaments at the national and European level. This would be helped by the consolidation of 1990s practice into the institutional structures of 2010.

The European experience

In the early 1990s the emphasis of European Parliamentary work increasingly shifted from the consolidation of European policy to the integration of such policy at global level. Debates about trade and environment led to parliamentarians being involved in the affairs of GATT/WTO. MEPs made the discovery that they could bring ferocious parliamentary pressure directly on Commissioners and Commission negotiators. This created a whole new field of parliamentary activity in the global political space. Parliament would write reports ahead of negotiations. Individual parliamentarians would attend ministerial sections of global conferences as part of the European Commission delegation and then demand reports back to the Plenary and the Committees of the European Parliament on the results. It became standard practice for Parliament to have intimate consultations on such matters with incoming national Presidencies anything up to twelve months in advance.

The European Parliament increasingly perfected the creation of events, seminars etc, designed to influence global political processes. This practice of 'Parliament as platform' was made possible by the substantial resources devoted to thinking. Parliament had created STOA (Scientific and Technological Options Assessment) and would structure hearings around its reports. The substantial intellectual resources of committee staff, group staff and the research assistants of individual members, were devoted to producing intellectually credible policy proposals. As Parliament became more confident in the late nineties it began to tackle sensitive subjects with security implications, such as the HAARP project (The High Altitude Aurorial Research Project) in Alaska incurring the wrath of the US Department of Defence. The best example of parliamentary creativity in this field was the parliamentary investigation into the ECHELON project, involving allegations of massive phone tapping with political and business implications. Although it lacked the traditions for handling such intelligence matters which national parliaments and governments had developed, Parliament created a Temporary Committee and delivered a hard-hitting report

E-Parliament

It would be entirely in the spirit of the times if parliamentarians were to use the latest technology to breathe new life into Edmund Burke's concept of parliamentarians as 'representatives' not as 'delegates'. Parliamentarians who owe their electorate their ideas and opinions and not just their vote.

In a world where legitimacy is at a premium, is it not possible to conceive of 'double-hatting' the global body of elected parliamentarians as being the ultimate reservoir of sovereignty on the planet?

Proposals put forward for an e-Parliament (both earth and electronic) go in this direction. Significant progress has been made recently in fleshing out how a global e-parliament might work. Nick Dunlop of EarthAction has built on his organisation's experience of regularly mailing the twenty-five thousand democratically elected members of national parliaments in a co-ordinated lobby on behalf of civil society. He proposes the idea of linking democratically elected parliamentarians via the internet as an e-parliament. Legislators would be able to self-organise themselves into InterGroups on the basis of issues, geographic regions or ideology. The first groups to be formed are focusing on the prevention of terrorism, children's rights and the need for an AIDS vaccine. Each InterGroup is to have a separate meeting space in which parliamentarians can learn about an issue, discuss it with colleagues, draft proposals, consult with citizens and key stakeholders and vote on non-binding recommendations. As a next stage an e-parliament council is being assembled to frame the work of the Inter-Groups and give them regular opportunities to the full e-parliament for information, an online hearing or for a vote. The e-parliament website is being prepared in Bangalore and support for the idea has blossomed. Eventually a virtual "parliament building" would be created on the web.

CONCLUSION

These developments should be seen in a wider context of the urgent need to revive and strengthen the very idea of parliamentarianism. The evil 'triangle theory' of globalisation bequeaths power to governments, transnational corporations and NGOs and overtly excludes parliamentary involvement. Parliamentarians need to assert that they are an essential element in the quest for legitimacy, transparency and accountability.

Ideas for strengthening global parliamentarianism are developing. They range from strengthening the Inter-Parliamentary Union itself to IPU sponsored attempts to create a Parliamentary Assembly for the World Trade Organisation. The IPU however is not the only body to suffer from little or no involvement by American legislators. The post September 11th ambivalence of America's new relationship with the world continues to present challenges in this area as elsewhere. The European Parliament has quietly continued its own investigation of the possibility of some form of global parliament drawing on the experience of the European Union.

No doubt such schemes will take many years to turn into concrete reality. What is significant is the widespread belief that they are now urgently needed as the species struggles to fit together the jigsaw of global governance in the face of universal challenges. Georges Berthoin, with his experience of working for Jean Monnet on the creation of the European Community, believes passionately in the pragmatic need to sculpt the continuing attachment to national sovereignties into a model, which meets such universal challenges. The experience of Europe in the last fifty years has many lessons for

the rest of humanity. I would maintain that a vigorous commitment to parliamentary activism, even if it falls short of the national models which we have become used to, is essential for public confidence in any form of global governance in foreign affairs, security, development, trade or humanitarian affairs above and beyond the urgent need to break the environmental log-jam which threatens the continuation of the species.