

A United Nations Parliamentary Assembly Basic Ideas and Current Points of Discussion

by Claudia Kissling, December 2008

Introduction

Current developments on the global financial markets, the repercussions of the financial crisis in one country on the situation in other countries, and their culmination in a severe worldwide crisis affecting the rich and the poor, the North and the South, the haves and the have-nots make it clearer than ever before: The challenges and tasks which mankind faces today are global in nature and can only be solved at the global level. We need rules and regulations which are truly global and not restricted to the frontiers of a nation state. What is at stake is nothing else than the survival of humankind as such, be it economically or in view of the more and more limited natural resources on earth, of global threats such as the proliferation of weapons of mass destruction or borderless operating terrorists, or of the growing social disparity on the globe which risks to become an explosive ground for sparking off riots and tumults which eventually could lead into civil wars or a global war.

All these developments have made it visible that there is a gap with regard to global regulation and rule-making. Still more, there is a huge gap with regard to the democratic embedding of such rule-making, generally called the democratic deficit of global decision-making. Global decision-making at the moment takes place primarily within the United Nations (UN), its specialized agencies, programs, funds, and other bodies, and within other global institutions. However, those institutions are not democratically shaped in accordance with direct or representative democracy, nor are they subject to direct democratic or parliamentary control. They are only driven by governments and their diplomatic representatives. Global democracy may be a value in itself, but currently much more is to be won or lost. Critical developments have taken such global dimensions that they cannot be solved any longer by national governments alone without the involvement of those directly affected. Global rule-making cannot longer be an isolated endeavour of some decision-makers. The participation of the people of the world, of civil society all over the globe has become vital for the pure survival of the human race. They are the ones who are affected, and they are the ones whose trust is necessary to make a global system working. However, wide parts of the globe's populations do not feel sufficiently represented by their governments only at the global level. Yet, without the trust of the billions of people on earth, the peaceful living-together on the globe is endangered. And without a more direct involvement of those people, trust will probably not materialize.

A UNPA – Rights, Functioning, and Establishment

This is why more and more people, be they individuals, representatives of civil society organizations, elected parliamentarians, scholars, artists, sportsmen or -women, business men or women, and others observing the turmoil and repositioning of power of the last years vocally speak out for a *Parliamentary Assembly at the United Nations* (UNPA). A Parliamentary Assembly at the United Nations is an issue which has been proposed and discussed for many decades, but never has it become as urgent as at the present time. A UNPA is mostly conceived as an assembly with consultative functions at the outset, but which could and should gradually evolve over time into a true parliament with full legislative and oversight functions. The models in mind are regional parliamentary assemblies, especially

the European Parliament, which has acquired more and more legislative and oversight rights since its direct election in 1979, or the Pan-African Parliament which is meant to develop into a parliament with full and genuine rights of information, participation and control vis-à-vis the African Union. This means that a UNPA could first be given for example the right to draft and pass recommending resolutions without binding force and to submit these officially to the General Assembly, the Security Council or other UN bodies and agencies for information and further consideration, to be consulted by or to address questions to these bodies, or to discuss resolutions or decisions of these bodies and to recommend amendments. Later on, it could be awarded the right to submit draft resolutions to these bodies for further negotiation and adoption, to co-decide with regard to the adoption of the UN budget and/or with regard to the election of the UN Secretary-General, the right to participate in treaty negotiations or even to legislate at the global level, and the right to submit legal questions to the International Court of Justice.

A consultative Parliamentary Assembly at the UN could initially be composed of national parliamentarians. In a later stage, the Assembly could be directly elected, as soon as the technical and political conditions would allow such elections to take place. It is also conceivable to give countries the free choice to go for direct elections, as soon as they are able and willing to do so. A further discussion point in this regard is the question whether a UNPA should be open to all member States of the UN or only to so-called "democratic" States. Apart from the fact that the definition of the term "democratic" is highly political and arbitrary and that anyway the majority of member States meanwhile are democratic, a strong argument in favour of representation of all member States of the UN is made by pointing towards the democratizing influence within a UNPA and the explicit inclusion of opposition parties which otherwise would not be possible. In any case, a UNPA should give high esteem to the inclusion of and deliberation with civil society and its representatives as well as with national parliamentarians. Finally, a point of debate is the determination of the number of delegates per country in the UNPA. This in the end will have to be left to governmental negotiations. However, fairly reasonable proposals are on the table which limit the size of such an Assembly to about 900 delegates and opt for a graduation taking into account population size, the principle of equality among States, and the contribution to the UN budget. The costs of such an Assembly are in a first rough estimate calculated at around 100 to 120 million €per year¹.

A UNPA as discussed at the moment could be established very easily within the existing United Nations system. The easiest option would be to set up a secondary body of the UN General Assembly (GA) in accordance with Article 22 of the UN Charter. This would only require a simple majority of the GA member States. Another option would be to link such an Assembly to the UN system through a far-reaching cooperation agreement which would give it the before-mentioned parliamentary rights and functions. This might give such an Assembly more leeway with regard to its decisions, but probably also less influence. Furthermore, the validity of its decisions with regard to single States would need the agreement of the respective State through its signature to the corresponding treaty. This is why at the moment the legal option preferred by most people is the one through Article 22 of the UN Charter. Both ways, however, can be followed without making a change of the UN Charter necessary. Only if at a late stage it is envisioned to set up a UNPA as a main body of the UN, such a Charter change would be needed. Thus altogether, the establishment of a UNPA could be a quite easy endeavour, as soon as enough governments are convinced to vote in favour of such a body within the GA.

A question which often arises in this context is whether the Inter-Parliamentary Union (IPU), the existing world organization of parliaments, should or could take up the tasks of such a UNPA. This is principally conceivable, especially given the large institutional knowledge of the IPU. However, the IPU, at the moment seems to pursue the goal of representing national parliaments at the global level,

of strengthening their ability to exercise their oversight functions at the national level in international affairs, and not that of representing the world's people at the global level and of exercising legislative and oversight rights directly at the global level in its own right. It does so under the label of a "parliamentary dimension" to the United Nations. The representation of national parliaments at the global level and their information about global affairs will always be important, as developments at the regional level tell us². However, this does not substitute for a true global parliament³.

What Happened so Far and What Comes Next

In the last years, support for the proposal to set up a Parliamentary Assembly at the United Nations (UNPA) has been constantly growing. The proposal got a new impetus with the foundation of the Committee for a Democratic U.N (KDUN)⁴ in 2003. KDUN is co-founder and Secretariat of the international Campaign for the Establishment of a United Nations Parliamentary Assembly (CE-UNPA)⁵ which was launched in 2007. The Campaign is a global network of parliamentarians and non-governmental organizations advocating citizen's representation at the UN. The Campaign's participants are united in their support of the Appeal for the Establishment of a Parliamentary Assembly at the United Nations⁶. The call for a UNPA meanwhile is supported by 528 members of parliament, further 1674 individuals from 124 countries and 151 NGOs on all continents. The first international conference was convened in November 2007 in the Palais des Nations in Geneva under the patronage of former UN Secretary-General Boutros Boutros-Ghali.

Apart from this individual backing, meanwhile a number of regional parliamentary assemblies as well as global unions of political parties and other international networks have declared their support for the UNPA proposal. Thus, the European Parliament (EP)⁷, the Pan-African Parliament (PAP)⁸, the Parliamentary Assembly of the Council of Europe (PACE)⁹, the Commission for Political Affairs of the Latin American Parliament (Parlatino)¹⁰, the Socialist International (SI)¹¹, the Liberal International (LI)¹², the Global Greens Congress¹³, and the World Federation of United Nations Associations¹⁴ all have adopted resolutions in favour of a United Nations Parliamentary Assembly.

The next steps the Campaign will aspire certainly will include the growth of individual and institutional support and the coordination and joint strong utterance of this backing at the global level. Some of the nearer steps will include the enlargement of institutional support in national parliaments in form of a resolution in favour of a UNPA and the lobbying of governments.

Conclusion

What would be the added value of a UNPA? Certainly, such a body would be a vehicle for increased trust in the United Nations and global decision-making. By this way, it would enhance the legitimacy of the United Nations and strengthen its capacity to act. It would thus help the global system to function properly. Still more, it could also help to make it functioning not only in a proper, but also in a just way. The delegates in a UNPA would probably be less inclined to follow national lines of thought, but would rather think and act globally. Thus, they could on the one hand become a catalyst for reform and could drive governments to overcome their inertia and national bondage and to act. On the other hand, they could encourage governments to act in favour of the weak, the poor, the South, and the have-nots, since those are the ones delegates represent and those are the ones whose interests have to be balanced if humankind wants to survive. By this changed consciousness and understanding of global politics, a UNPA would overcome last but not least the democracy deficit at the

global level and would transform the "We, the peoples..." at the beginning of the UN Charter into a lived and living experience.

Notes

- ¹ See Bummel, Andreas / KDUN, "Developing International Democracy. For a Parliamentary Assembly at the United Nations", May 2005, (<http://www.kdun.org/en/documents/unpa-paper.pdf>).
- ² See for example the establishment of the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC) after the introduction of direct elections to the European Parliament, or the existence of the African Parliamentary Union (APU) besides the Pan-African Parliament.
- ³ For more information about the discussion on the IPU role with regard to the UNPA proposal, see Bummel, Andreas, The establishment of a UN Parliamentary Assembly and the role of the Inter-Parliamentary Union, Background paper, September 2008.
- ⁴ <http://www.kdun.org/>.
- ⁵ <http://www.unpacampaign.org/>.
- ⁶ Please refer to <http://en.unpacampaign.org/appeal/index.php>.
- ⁷ European Parliament, resolutions A3-0331/93 of 8 February 1994, pt. 17 (<http://www.kdun.org/en/documents/a3-0331-93.PDF>), and P6_TA(2005)0237 of 6 June 2005, pt. 39 (<http://www.kdun.org/en/documents/B6-0328-2005-EP-EN.pdf>).
- ⁸ Pan-African Parliament, resolution of 24 October 2007 (http://www.kdun.org/en/documents/PAP_UNPA.pdf).
- ⁹ PACE, resolutions 1476 (2000) of 27 September 2000, pt. 13 (<http://www.kdun.org/en/documents/1476-2000.pdf>) and 1476 (2006) of 23 January 2006, pt. 11 (http://www.kdun.org/en/documents/CoE-PA_1476_2006.pdf).
- ¹⁰ Latin American Parliament, Commission for Political Affairs, declaration of 12 June 2008 (http://www.kdun.org/en/documents/PARLATINO_UNPA.pdf).
- ¹¹ "Governance in a Global Society", report adopted by the XXII. Congress of the Socialist International, São Paulo, 27-29 October 2003, pt. 39, 47 (<http://www.kdun.org/en/documents/XXII-Socialist-International-2003.pdf>).
- ¹² Resolution adopted by the 53rd Congress of the Liberal International, Sofia, 14 May 2005 (<http://www.kdun.org/en/documents/LI-Resolution-UNPA2005.pdf>).
- ¹³ Global Greens Second Congress, São Paulo 1-4 May 2008, final declaration, pt. 12 (<http://www.kdun.org/en/documents/2008globalgreens.pdf>).
- ¹⁴ 38th Plenary Assembly of the World Federation of United Nations Associations, 10 November 2006 (<http://www.kdun.org/en/documents/WFUNA2006.pdf>).