The democratization of international organizations

IDW

INTERNATIONAL DEMOCRACY WATCH

edited by

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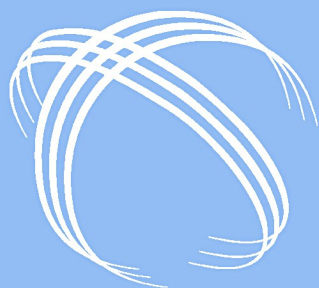**CENTRE FOR STUDIES ON FEDERALISM**

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Introduction

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CENTRE FOR STUDIES ON FEDERALISM

1. Foreword

Through what has been called by Samuel Huntington "the third wave," started in 1974 by the Portuguese revolution, the most part of the international community is today and for the first time in history composed of democracies. Nevertheless, despite this process, democracy has never before shown so clear marks of weakness: today, many scholars point out that we are facing an increasing crisis of democracy, which is mainly caused by globalization. While at national level, where the democratic powers still lie, there are less and less important decisions to be taken, at the international level there are not democratic institutions, but governmental actors (the Great Powers) or non-governmental actors (such as banks and transnational corporations, global civil society movements, mass media, criminal and terrorist organizations, etc.) which are beyond any democratic control. The problem can be summarized by the fact that, as George Monbiot points out, "in our age everything has been globalized except our consent. Democracy alone has been confined in the nation state." (Monbiot 2003: 1) Under these circumstances many authors ask themselves how long can democracy survive in a world in which citizens are excluded from decision-making on the future of mankind. Globalisation must be democratised before it destroys democracy.

Today is increasingly shared among scholars and civil society movements the opinion that a democratic decision-making process represents the necessary premise for a just and peaceful world order. It is also widely recognized that politics is affected by a heavy delay in facing changes caused by globalization and that new institutional instruments are needed to govern the new social reality. The response of governments to globalization has been to pursue international co-operation, not because it is their inclination, but because they have no other choice. The expansion of the phenomenon of international organization shows the way governments are going along to seek a solution to problems they cannot solve alone. *The most visible and serious limits of international organizations lie in their decision-making procedures, based on unanimity and veto and in the lack of effective (limited but real) supranational powers.*

- The first limit has been called "democratic deficit". In order to overcome this limit, an increasing number of international organizations has endowed itself with parliamentary assemblies, which represent the response of national parliaments to the

globalization process and the erosion of their power. In other words, they attempt to shift parliamentary control of governments of international level. Most of them are made up of national parliamentarians, but the European Parliament, which represents the most advanced evolution of this category of international assemblies, is directly elected. The European Parliament is the first supranational parliament in history. Its example has been followed by Parlacen (the Central American Parliament) and the Parliament of the Andean Community. It represents the laboratory of a new statehood and of a new kind of democracy. Its success shows that it can be possible to extend democracy beyond the boundaries of the nation-state.

- The second limit of international organizations lies in the lack of a government. Of course, a parliament represents only one side of democracy and, although it is a necessary one, it is not enough. A working international democracy needs a government, a court, a constitutional charter, and all the elements that constitute a democratic system: a gender democracy, a participatory democracy, a social democracy, an electoral democracy, cultural democracy , an information democracy and a cosmopolitan democracy. If there is a lesson that should be clear from history it is that democracies cannot work without a government endowed with the powers to enforce constitutional and legal rules or at least to threaten the enforcement of them. As a matter of fact, all known democracies have been led by a government.

2. Reasons and aims

The need to create an International Democracy Watch (IDW) is linked to different elements: the first one concerns the progressive reduction of the role and the influence of national states in the process of governing the economic and social globalization and the ensuing birth of a process of creating supranational organizations both at the regional and the world level. The second one concerns the creation and the growth of transnational civil society movements, whose principal aim is to foster international democracy, that is the check of the globalization process through the democratization of international institutions. Finally, we underline the existence of institutes that check and monitor the growth and the spread of democracy inside national states, but no one exists performing similar activities with a focus on international relations and on international democracy.

The lack, today, of instruments to check progress or regression of international democracy has pushed a group of scholars to the creation of the IDW. Though several scholars think democracy cannot extend beyond the borders of national states for the absence of social conditions, the European Union is the first concrete example, not yet completed, of supranational democracy. Though more slowly similar processes are under way in other regional contexts.

The aim of the IDW will be to check the state of the art and the development of democracy in international institutions, both at regional and at world level, and to measure the progress (or regression) through a regular monitoring, whose daily results will be available on the IDW website, and the publication of a two-yearly International Democracy Report.

3. Defining international democracy

Defining democracy cannot avoid being exposed to different interpretations, even in its traditional context represented by the nation-state. Nevertheless, for our purposes we need an operational definition of "international democracy". Therefore, as a starting-point we will use the definition provided by Mathias Koenig-Archibugi (2007), which will be further developed and suitably modified in order to be applied to regional, sub-regional and inter-regional organizations, in addition to the global ones.

Here below we list the main features that an international institution should have to be defined an "international democracy":

1) It involves a whole region or sub-continental area.

2) It entrusts supranational institutions with the power to take binding decisions with reference to a given group of internationally relevant issues.

3) It ensures that members of these institutions represent, and are accountable to citizens, through electoral mechanisms or through clear and formal political delegation relationships.

4) It promotes the equitable representation of all citizens, linked to principles like the balanced representation of the constitutive territorial units and possibly some kinds of functional representation.

5) It enables supranational institutions to make decisions in accordance with different decision-making procedures, but excluding veto rights for small minorities, unless le-

gitimate vital interests are at stake.

6) It entrusts supranational judiciary institutions with the task of settling disputes according to constitutional rules.

7) It provides strong mechanisms to implement decisions and laws, possibly but not necessarily through a centralized control of coercion instruments.

This list will be extended to further features to get to a more comprehensive meaning of "international democracy", e.g. women's participation in institutions, protection of minorities, access to common goods, redistribution of resources, freedom of information and presence of cosmopolitan rights.

4. The International Democracy Report

This Report will be published biennially and it aims to assess the democratic features of the monitored international organizations. It is composed of six parts. The first one, in addition to this introduction, includes a deep study on International Parliamentay Assemblies, which obviously are among the most relevant marks of international democracy. The second part regards universal international organizations like the United Nations, the International Labour Organizations, the World Bank, the International Monetary Fund and the World Trade Organizations. A peculiar institution is included in this section, i.e. the Inter-Parliamentary Union (IPU). As it is not composed of states, but of national parliamentarians, it has been debated whether the IPU itself would qualify for and would be willing to strive for transforming itself into something like a global parliament. On the other hand, as international institution, it qualifies for assessment in the framework of this volume.

Part III will consider the main regional organizations in Africa, Asia and Latin America and Oceania. They should be kept analytically separated from the functional and universal organizations treated in Part II, because they are marked by different characters in important respects, both on the "demand-side" - as regards the high expectations citizens have in terms of regional development, security, employment, etc – and on the "supply-side," as regional integration is "multidimensional," including economic, political, social and cultural aspects, and, finally, because regional organizations are generally marked by a territorial nature.

Part IV considers some inter-regional frameworks which are rather high institutionalized and are endowed with some democratic features.

Part V regards the most important international parliamentary assemblies which are autonomous, i.e. not included in the framework of international organizations.

Finally, part VI provides a chapter on the role of global civil society movements in the democratization of international organizations, both at universal, inter-regional and regional level.

5. Guidelines for assessment: qualitative macro-indicators

The monitoring of international organizations will be based on few qualitative macro-indicators, working as guidelines.

Appointment

How are key officials appointed or elected, and what is the agency's governance structure (single-headed agency, multi-headed commission, self-regulatory organization, etc.)? Who can belong to the institution - only states or also non-governmental actors? Does a parliamentary body exist? Are its members directly elected by people or are they representatives of national parliaments? In the former case, are the election free? Do free (private and/or public) mass media exist making citizens aware of government alternatives?

Democracy at national level

Democracy in the context of the nation-state represents a necessary condition for international democracy; this indicator reflects therefore to what extent the member states of an international organization are democratic.

Input legitimacy

Does a civil society exist, organized at the institution's level and articulating the political demand? How developed is it? Is it autonomous from public powers and from market forces? How is it funded? How is it organized? Do political parties exist, organized at the institution's level and aggregating the political demand? To what extent are they autonomous from national parties? Is decision-making process

managed according with formalized and observed rules?

Participation

This indicator describes citizens' ability to influence and participate in decision-making. Are citizens entitled with the right to address petitions and with the right of legislative initiative? Are they consulted through referenda or through public hearings conceived to amplify their voice? If a civil society and political parties organized at the institution's level exist, what is their role in decision-making? Is a consultative status for NGOs, associations, trade unions provided? To what extent can citizens participate in the life of political parties and influence their positions? To what extent are women involved in political elections and in organization's institutions and bodies?

Control

This indicator reflects whether citizens and civil society are able to control the political authority of the monitored organization. Can citizens appraise whether their representatives implement the mandate according to which they are elected? The answer implies the evaluation of transparency in decision-making process: are documents and acts produced by the political authority freely available to the public opinion? Are bodies required to publish reasons for their decisions and are these reasons widely accessible? Are involved interests granted in their possibility to access to information? Do independent mass media exist? If a parliamentary body exists, can it exercise effective control powers on organization's bodies, e.g. through questions and parliamentary enquiries? Is parliament competent on all issues managed by the executive power? Can it apply to a court when it finds that a decision produced by governing bodies is against law?

Inter-state democracy

This indicator reflects the quality of member states' participation in the decision-making of the monitored organization. Does a body representing states exist? What is its relationship with an eventual legislative body? Are states represented according to the sovereign equality principle, with the same powers in decision-making process (one country-one vote), or decision-making is based on weighted-voting? What are

the relevant principles for the weighted-voting? Does a correspondence exist between states representation and power relationships, and to what extent the two elements are at variance? Power relations give birth to a balance of power or to a unipolarism involving one or more countries?

Supranationalism

Supranationalism means that citizens' general interests, rather than states' interest, are the point of reference for the political authority. If a legislative body exists, does it have legislative powers? Are rules approved by the organization directly applicable and enforceable in the member states' legal order? Does a supranational executive power exist and what are its powers and competences? How is it composed and which principles regulate the composition-process? What is its relationship with the legislative body? If the organization has a secretariat, to what extent is it independent of member states and what are its powers and competences? Does a jurisdictional body exist and how is it composed? What are its competences? Are its decisions binding and how are they implemented? Does a central bank exist, independent of member states? What are its competences? Does a common currency exist and how is it managed? Are norms and decisions enforced through supranational police forces or through member states' executive powers? Does the organization have a legal status? Does it have the power to interfere within the domestic jurisdiction of member states, e.g. when gross violations of human rights occur? Is this power concretely exercised?

Power limitation

This indicator reflects the availability of checks and balances between the organization's powers. Does a separation between executive, legislative and jurisdictional powers exist? Are executive power's acts submitted to the control of a court, and what is the power of the latter in this context? E.g., can it block an act or does it only produce advisory opinions? Does a clear division between the powers of states on the one hand, and the organizations' ones on the other exist?

Human rights

An everlasting relation links directly and indirectly democracy and human rights: indeed, civil and political rights are constitutive elements of democracy, while there is a biunivocal relation between the latter and economic, social and cultural rights. Therefore, this indicator reflects the extent to which human rights are recognized and enforced at the supranational level. Do human rights charters exist, produced by or in force at the level of the monitored organization? Are they binding or not? To what extent are they obeyed and perceived as binding by member states? Are these documents directed only to states or to their citizens and non-governmental actors (NGOs, corporations...) too? How many countries have ratified these documents? How can be judged the reservations put by states in signing the documents? How can be evaluated the range of protected rights, e.g. in comparison with the UN Treaty on Civil and Political Rights, or the UN Treaty on Economic, Social and Cultural Rights? In particular, the documents provide only civil and political rights, or economic, social and cultural rights as well, or even third generation rights? How developed is the machinery for protecting rights? Is its nature only political, or quasi-jurisdictional or jurisdictional? Are human rights justiciable? Is the organization equipped with an executive mechanism with reference to human rights? Are these machineries effectively used and considered as effective protection instruments? Are extra-jurisdictional mechanisms for human rights protection provided (e.g. an ombudsman) and what are their power and competences? Are their decisions efficacious and do their observations get results by organization's authorities? Do they find an answer by authorities and are they applied by them? Do a common passport and a common citizenship (which can be complementary to the national ones) exist? Are a criminal law and a criminal jurisdiction provided in the framework of the monitored organization?

Output legitimacy

This indicator reflects the quality of organization's output, describing to what extent it corresponds to the competences and the objectives accorded to it by member states and citizens. In other words, it is about the organization's capability to provide effective solutions in order to gain the legitimacy by its member states and citizens.

Does the organization concretely perform its constitutional functions? With what degree of success? In particular, what is the role played by the organization in promoting democracy inside its member states?

References

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