

# The democratization of international organizations



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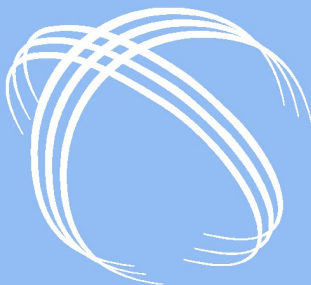
**CENTRE FOR STUDIES ON FEDERALISM**

# First International Democracy Report 2011



## Inter-Parliamentary Union

by  
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CENTRE FOR STUDIES ON FEDERALISM

## **I. Introduction**

This article is based on extensive research into historical and legal aspects of the 120 years' history of the Inter-Parliamentary Union (Kissling 2006). Its goal is twofold: on the one hand in order to cover the history of the IPU, including its political and legal work, its related success stories and failures in influencing international and global politics, and, closely linked, its political and legal relevance from its early years until now. A special focus in this regard is put on the discussion of global democracy and world parliamentary ideas within the Union and among its members in a historic perspective, and the handling of the question of 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, this article looks at the (internal) democratic features and democratization processes within the Union as an inter-parliamentary organization active at the global level and measures them by resorting to the International Democracy Watch and its macro-indicators appointment, democracy at the national level, input legitimacy, participation, control, inter-state democracy, supra-nationalism, power limitation, human rights, and output legitimacy.

## **2. The historical development of the IPU and its role in shaping international politics and institutions**

### ***2.1. The Purpose of Founding an Inter-Parliamentary Organization in the 19<sup>th</sup> Century***

The Inter-Parliamentary Union (IPU)<sup>1</sup> today is the world organization of Parliaments. It is the “focal point for worldwide parliamentary dialogue” and works “for peace and co-operation among peoples and for the firm establishment of representative institutions.”

<sup>2</sup> Founded in 1889 as the first international political organization ever, it since has developed from an organization of individual parliamentarians of mostly European states towards a global organization of 153 Parliaments and eight Associate Members (international parliamentary assemblies) in 2009.

The foundation of the IPU as an organization of individual parliamentarians in 1889

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<sup>1</sup> See Inter-Parliamentary Union, <http://www.ipu.org>.

<sup>2</sup> Art. I (2) of the Statutes of the Inter-Parliamentary Union, <http://www.ipu.org/strct-e/statutes-new.htm>.

can be traced back to the peace movement of the 19<sup>th</sup> century, which had elevated international arbitration and disarmament as its main goals (Uhlig 1988: 48-64; Zarjevski 1989: 55). In the year 1888, two parliamentarians, the Englishman William Randal Cremer and the Frenchman Frédéric Passy, took the initiative to convene a conference of parliamentarians in order to call for an arbitration agreement between Great Britain, France, and the US. Shortly before this initiative, a similar Memorial of 234 British parliamentarians, requesting an US-British arbitration agreement and presented to US President Cleveland under the leadership of Cremer, had failed regardless of the support of both US Houses of Parliament (Cremer 1905: 509-510). Passy, on the other hand, had successfully pressed for the adoption of a motion in the French Parliament which unfortunately could not be implemented before the end of the session. Thus, the two men, Cremer and Passy, arranged for a first meeting of British and French parliamentarians in October 1888 in Paris which decided to convene a plenary conference of parliamentarians from different countries with the aim to discuss arbitration and disarmament in Paris the year after. On 29 and 30 June 1889, around 100 parliamentarians from nine countries<sup>3</sup> met in Paris in the Hôtel Continental. At the end of the conference, the parliamentarians unanimously passed the following resolution: “Further Interparliamentary Reunions shall take place each year in one of the cities of the various countries represented at the Conference. The next meeting shall be at London” (Davis 1906: 128). Thus, the Inter-Parliamentary Union was born.

In the following, the Union very quickly developed an organizational structure whose basic characteristics have not changed to this day. As regards content, until World War I, it dealt with the peaceful settlement of international disputes, especially compulsory arbitration, good offices, mediation and enquiry, with the limitation of armaments, problems of neutrality, the rules of warfare at sea and in the air, individual rights, and private international law. Its main success, however, was the establishment of the Hague Court of Justice at the first Hague Conference in 1899 which was decisively influenced by an IPU draft treaty. The IPU draft had been adopted in 1895 and was contained in a so-called “Memorial to the Powers” which the author of the

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<sup>3</sup> Belgium (1), Denmark (1), France (56), Great Britain (28), Hungary (1), Italy (5), Liberia (1), Spain (1), and the US (1).

Memorial, Baron Descamps, had sent to governments.<sup>4</sup> The Union had been pressing for the convocation of an international governmental congress for the peaceful settlement of disputes through arbitration since 1894. However, the initiative to call for such a conference – first reduced to the question of armaments and only later enlarged to include also the question of good offices, mediation and voluntary arbitration – was taken by the Russian tsar Nicholas II, influenced by one of his diplomats who had participated in an IPU Conference some years earlier (Lange 1927: 10-13). The result of this first Hague Conference – the first conference convened in order to prevent future wars and to codify humanitarian law instead of merely concluding a peace treaty – is widely known: it adopted the Hague Convention for the Pacific Settlement of International Disputes, which also established the Hague Court of Arbitration, the first international court at all. With regard to that court, the governmental drafts for the convention undoubtedly were influenced by the Union's Memorial. The author of the Memorial, the parliamentarian Lord Descamps, was the rapporteur of the respective committee. In the following, individual IPU members also were influential in bringing about the first arbitration proceedings before the Court in 1902 and were part of the proceedings.

The Union similarly was instrumental in launching the convocation of the second Hague Conference in 1907, when the Secretary-General of the Union, Albert Gobat, delivered a personal message in the name of the Union to US President Roosevelt in 1904. However, the IPU's model draft treaty of 1906, aimed at introducing compulsory arbitration, was less successful than its forerunner of 1895. Even though accepted, after some changes, by the majority of governmental representatives present, it could not be adopted given the necessity of unanimity requested at that time. Altogether, it is no exaggeration to conclude that the Union at the beginning of the last century contributed significantly to the development and codification of international customary law in the field of arbitration. Moreover, with its work on the permanent organization of the Hague Conferences, the IPU played some role in the setting-up of the League of Nations after World War I. Especially, an IPU draft on the establishment of a permanent court was taken as the basis for negotiations on the Statute of the League's Permanent Court of International Justice in 1920. Due to these first

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<sup>4</sup> See, for the published version, Descamps (1896: 5-74).

developments, it is not surprising that during the first forty years of existence of the Union, eleven Nobel Peace Prize Winners, among them one of the two first in 1901, originated from the ranks of the IPU.<sup>5</sup>

The most impressive occurrence, however, from the viewpoint of international democracy, was the discussion within the Union, on the basis of an American proposal, of the establishment of a world parliament with full parliamentary powers from 1904 onwards. At that time already, without an international organization in existence, voices within the Union existed who openly propagated a role for the IPU itself as an embryo of a future world parliament (Gobat 1903: 1148-1150; Lange 1911: 14-15; Schücking 1912: 308-309; Quidde 1911: 201).<sup>6</sup> In the following, the quarrel over the question of timing and the confusion over a clear distinction between governmental and parliamentary tasks and organs at the international level, since at that time neither international organizations nor any other embryonic form of world government existed, lead to the quasi-abandonment of the idea. Another controversy was the question of whether the role of a world parliament should be assigned to the Union itself. In the end, a governmental organization of the world was promoted rather than some representation of the people as such. Yet, the intention of the Union, namely, to reduce governmental power in foreign affairs, remained one of its main goals throughout that time: “[L]a Conférence interparlementaire a été fondée précisément dans le but de réduire le rôle de la diplomatie, et d'augmenter l'influence des parlements sur les affaires internationales à l'effet de régler celles-ci conformément aux lois de la justice.” (Gobat 1895: 266).

The success of the Union at that time and its good echo in public opinion can be put down to the fact that the Union impressed through a new form of international administrative and conference organization, the activist commitment of its individual membership rooted in the peace movement of its time, but often at the same time representing its governments at international conferences, the expertise-based elaboration of new and revolutionary ideas, frequently in form of international draft

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<sup>5</sup> The following Nobel Peace Prize Winners were prominent IPU members: Frédéric Passy (1901), Charles Albert Gobat (1902), William Randal Cremer (1903), Fredrik Bajer (1908), Auguste Marie François Beernaert (1909), Paul Henri Benjamin Balluet, Baron d'Estournelles de Constant de Rebecque (1909), Henri Marie La Fontaine (1913), Christian Lous Lange and Karl Hjalmar Branting (1921), and Ludwig Quidde and Ferdinand Édouard Buisson (1927).

<sup>6</sup> For a supporter of a world parliament role of the Union outside of its own membership, see De Roszkowski (1914: 73-75).

treaties, directed towards a progressive development of international law, and the concentration on mainly one goal, namely, “peace through arbitration,” with the aim of establishing a world-wide order of law and peace. Its clumsy inner organization, its dependence on elections and the existence of Parliaments, the emphasizing of inner reform instead of external assertion, the absence of social-democrats within the organization, its slow drifting away from the peace movement on the one hand, and the public and the people on the other, but also its hesitation to address current problems on the political agenda and its holding to the principle of non-interference in internal affairs, all this, however, became a stumbling-block for the Union's future success.

## ***2.2. Hoping for parliamentary surmounting of the international democratic deficit between the wars***

The reputation of the Union based on its organizational and content-related successes continued after World War I, even though it had failed on a popular informative as well as a democratic political-power-related level before the war. One of the drafts for the Covenant of the League of Nations, the so-called plan of Lord Robert Cecil, British delegate to the Paris Peace Conference, of 14 January 1919, provided for the possibility of setting up “a periodical congress of delegates of the Parliaments of the States belonging to the League, as a development out of the existing Inter-Parliamentary Union. [...] The congress would thus cover the ground that is at present occupied by the periodical Hague Conference and also[, perhaps,] the ground claimed by the Socialist International.”<sup>7</sup> The IPU reference in this still informal draft was not carried over into the subsequent official proposals of the British government. However, for many inter-parliamentarians it remained a source of reference with regard to the perspective of an official role of the IPU (Sckücking and Wehberg 1931: 166-167; Zorn 1919: 60-61).<sup>8</sup> Moreover, even though the Union had not been able to prevent World War I, war also could not prevent inter-parliamentarianism from flourishing between the wars. Nevertheless, power had to be given up to the first international governmental organization established to prevent war, the League of

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<sup>7</sup> See Annex 2 in Lansing (1921: 266-277), and, for the final draft of Cecil, Miller (1928: 61-64).

<sup>8</sup> The German draft for the Covenant of the League, which was the only official draft providing for a world parliament, also caused references to the IPU outside its own realm (Knoll 1931: 83).

Nations.

Between the two world wars, the IPU intensified its work in the field of peaceful settlement of international disputes, the reduction of armaments and international security, and the development of the rules of warfare, but also dealt with support for the League of Nations, the further codification and development of international law, the promotion and improvement of the representative system, the protection of national minorities, colonial problems, economic questions, social and humanitarian policy, and intellectual relations. Its work was less sensational, but more profound than before the War - a result of the work of renowned and progressive scholars, such as La Fontaine, Schücking, or V. V. Pella, who, as parliamentarians, put much effort into inter-parliamentary affairs. Thus, the Union dared to venture into new and unregulated fields of law, such as into international criminal law, the rights of minorities, or consequent disarmament. Finally, it was also successful in helping treaties to be ratified at the national level.

With regard to its own role, however, the Union did not realize that the balance of power in foreign affairs had changed in favor of governmental representatives at the international arena. Its old enemy, namely, monarchy, had disappeared and a new one had not yet been born. Main goal of the Union now was the support of the League of Nations – a League, which, in the IPU's view, would have to become universal (Poll 1922: 130-131) -, but the conception of the Union's own role in international democratization was shaped by a jealous fear of losing freedom of action and independence. Thus, those calling for a more than complementing, merely semi-official role of the Union in the framework of the League did not gain a hearing (Council President Adelswärd in *Interparlamentarisches Büro* 1939: 240-241, 37; Weardale 1921: 6-7; Eickhoff 1931: 39; Hasselblatt 1929: 10; Quidde 22: 16). The Union, by not pursuing these ideas further, lost terrain without a fight. Nevertheless, the relations with the League, which even employed liaison officers for IPU affairs, were good – the Union after all was not an enemy to the League. It had meanwhile moved to Geneva and still many of its members at the same time were governmental representatives at meetings of the League. But the League dealt with the same questions as the Union and even tackled so-called apolitical issues, such as health issues, scientific and cultural cooperation, refugee questions and migration, or trade in women and children, and



this in a much broader and a very successful manner. Moreover, the IPU also remained silent with regard to all the crises straining the international system in the 1930s, even though those concerned the Union's main goals and purposes, namely, the peaceful settlement of disputes, disarmament, the rules of warfare and the development of the League<sup>9</sup>. In the end, the Union was relegated to the backbench of an international system whose coming into being it had itself fervently promoted and supported. The only advantages which could make it stand out from the League were its universal approach and its work for dialogue and cooperation among peoples, between victors and vanquished, between supporters and opponents of the League, and between adepts of the *status quo* and revisionists.

### **2.3. After World War II: recognizing hard facts and struggling for renewed international relevance**

After World War II, the Union was mostly forgotten in political circles. Inter-parliamentarians did not contribute in any way to post-war reconstruction. The prestige of the Union had faded, it was running out of money and the high-level contacts to international organizations and governmental circles which were so prominent before the War were slowly crumbling, given the increasing lack of representatives working in parliamentary as well as governmental circles at the same time. The Union itself did not seem to be willing to come closer to the new international organization replacing the League, the United Nations. The IPU stayed in Geneva and did not move to New York. It changed its Statutes and Rules only 25 years later, namely, in 1971, to expressly mention support to the objectives of the UN - instead of support to a universal organization of nations in general. Moreover, it did not search for a suitable status of the Union at the UN. Given the fact that the Union's parliamentarians themselves could not reach agreement on an attempt to acquire treaty recognition by governments, the Union only was given consultative status with ECOSOC, with only little possibilities to influence politics and relegating the parliamentary organization to the status of an NGO.<sup>10</sup> If the reason for this was continued clinging to independence or rather a complete misjudgement of the situation

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<sup>9</sup> It still adhered to the principle of non-interference in internal affairs (Boissier 1942: 282).

<sup>10</sup> The UN at that time defined an NGO as "[a]ny international organization which is not established by inter-governmental agreement..."; see OP 8 of UN-Res. 288 (X) of 27 February 1950.

is not quite clear. However, the idea to change the Union into a sort of world parliament remained a vision of some inter-parliamentarians also during that time (Rens 1963: 14; Stangate 1951: 324; De Blonay 1967: 9; Boissier 1955: 171-173; Douglas 1975: 87) and even led to internal discussions within the IPU immediately after the War (1945-1952). Yet, the Union's goal of universalism, combined with the East-West conflict, the iron curtain, and the thinking in blocks within the Union (Pobulić 1976: 24-26) forestalled any change in attitude since communist parliamentarians saw this project as contrary to their own internationalist peace movement. The United Nations, on the other hand, blossomed out to become some sort of overarching bonds of international relations, able to work for universalism and international cooperation and peace alike, all original goals of the IPU. The Union first remained an important centre for informal *rapprochement* of international opponents as a precondition for peace talks,<sup>11</sup> but in time it lost power and radiation intensity. The only achievements it could demonstrate were some novel proposals for codification, its successful striving for universality and the abandonment of the principle of non-interference in internal political affairs – a first step towards parliamentary political control of foreign affairs.

With regard to its work, the IPU continued to deal with the peaceful settlement of disputes and the preservation of peace, with the development of the law of war and peace through disarmament, the support and development of the United Nations, the codification and development of international law, with the representative system, minorities and apartheid, foreign aid and decolonization, economic and trade issues, social and humanitarian questions (food shortage and nutrition, population questions, disadvantaged groups, refugees and migration, health questions and drug trafficking, and terrorism), and intellectual relations. However, its resolutions did not bring about any results in actual politics any more. The increase in the Union's membership, the deficiency of university professors in its ranks and the complexity of information and problems to be resolved had watered down the outcome of its Conferences and had taken away its progressiveness. Yet, from the 1970s onwards, the Union discovered new fields of concern which were meant to become its major achievements in the

<sup>11</sup> E.g., see talks between German and Israeli parliamentarians in Istanbul in 1951, which led to the German-Israeli compensation agreement of 1955, or similar talks during IPU Conferences which resulted in the ending of the Italian-Yugoslav conflict on Trieste, of the Austrian-Italian quarrel with regard to Southern Tyrol in 1954, and the British-Egyptian Suez Crisis in 1957.

forthcoming years. It developed approaches towards human rights, established a complaint procedure for the violation of human rights of parliamentarians, prepared and accompanied the governmental CSCE (Conference on Security and Cooperation in Europe) process at the parliamentary level through Inter-Parliamentary Conferences on European Cooperation and Security (Gheballi 1993), tackled environmental questions, fervently worked for an equal representation of women in Parliaments, and set up a technical assistance programme for Parliaments of mostly new democracies.

The 1970s also became a turning point from another point of view. For the first time, the Union realized that times had changed, that it had lost relevance, but that it could take on a role in some forgotten areas of international life: democracy. Given the fact that reform of the Union largely was overdue, it started an immense internal and external reform process. The internal reform process, however, lost its force in the bureaucratic jungle of Statute changes which resulted in organizational rigidity, coming along with a loss of power and of options for action of different organs of the Union,<sup>12</sup> and consequently the de-politicization of its work. With regard to external reform, its efforts were more successful. They included, beside the new goal of supporting the objectives of the UN, the realignment on international organizations and their work in general. Thus, the IPU was able to secure a change in international status through the conclusion of an agreement on its juridical status with Switzerland which conferred on it rights and obligations similar to intergovernmental organizations, especially diplomatic privileges and immunities.<sup>13</sup> Moreover, it intensified its public relations work and increasingly organized specialized conferences and meetings concerning themes of or even parallel to meetings and conferences of or together with the United Nations, its Specialized Agencies, or with regional organizations. This thematic concentration on specific issues was further elaborated through the revitalization of its work through peace research, an emphasis on some specific fields of concern (human rights of parliamentarians, women parliamentarians, the CSCE process, and the environment) during ordinary or regular specific Conferences, and especially its new concern for national democratization and its programme of technical

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<sup>12</sup> Thus, e. g., the study committees lost their function as expert bodies with the right of self-referral and from then onwards only worked on demand for the conference. Moreover, the Council President now could not be re-elected any more during three consecutive years.

<sup>13</sup> Accord entre le Conseil fédéral suisse et l'Union interparlementaire pour régler le statut juridique de cette organisation en Suisse, 28 September 1971 (Archives of the IPU).

assistance for Parliaments (Johnsson 1995: 108-110). Thus, the lacking effect of its resolutions, which had characterized its work during the first decades after World War II, partly could be off-set and was further reversed by a zealous follow-up of decisions and resolutions adopted. Here, one advantage of the Union constituted its ability to find broad consensus on issues which, in governmental circles, still were controversial – as happened in the difficult CSCE process. Consequently, the Union could regain some of its progressiveness which it had before the World Wars. However, developments were slow and the Union had to accept that governmental organizations, in working with the Union, first of all had their own interests in mind. Thus, the IPU did not recover much of its former political influence, nor could it score an increase in its visibility or in the general knowledge about its work. Last but not least, its hesitation to apply for observer status at the UN General Assembly or to accept first and prudent steps to combine inner reform with external content-related visibility in the sense of constructive and future-oriented contributions to international relations can be blamed for it. The fact that it had more and more to live with the foundation and flourishing of other international informal inter-parliamentary organizations and networks<sup>14</sup> and the organization of international parliamentary conferences without its participation from the 1980s onwards, was only a by-product of this. Goals and visions were there, but international relevance still remained reserved to others.

#### **2.4. Developments since 1990**

The work of the Union in the 1990s was shaped by a development which could be perceived in international relations in general during that period: the increasing overlapping of issues and themes. Thus, e. g., peace and security were now framed as human security. As such, they did not only refer to the IPU's work on dialogue, conflict prevention, and crisis management from a theoretical or practical (active parliamentary diplomacy, e. g. in the Middle East or with regard to Cyprus) point of view, to the control of armaments and the law of war, or terrorism and organized crime, but also included issues such as sustainable development (development, population questions, environment, trade and economy) or the so-called human dimension (food shortage,

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<sup>14</sup> E. g. the Parliamentarians for World Order, today called Parliamentarians for Global Action.

nutrition, poverty, natural disasters, human rights, democracy, disadvantaged groups, health, intellectual relations, etc.). A shift in focus from the CSCE to cooperation in the Mediterranean (Conference on Security and Cooperation in the Mediterranean, CSCM) as well as increased work in geopolitical groups were the new characteristics of the IPU work of this period. Furthermore, support to national democratization processes and technical assistance to new Parliaments received a new upswing. In 2003, the IPU set up its own Global Parliamentary Foundation for Democracy aimed at attracting private resources for its democracy-related work.

The renewed – academic and political – discussion, in the 1990s, on the democratic deficit of international relations and on the necessity of establishing a parliamentary dimension to the United Nations also instigated a debate on the role of the IPU as part of a prospective reform process of the UN. Again, there were those within the Union attributing the position of a real future world parliament to it (Holtz 2002: 303-304; Roche 2003)<sup>15</sup> but there were also those who openly negated the political feasibility of such a function and pleaded for a parliamentary dimension of the IPU to the UN in the sense of a mere representation of parliaments at the global level (Johnsson 1995: 20-29) – a function certainly required, but leaving unresolved the question of representation of citizens.<sup>16</sup> Nevertheless, this discussion led to an (ongoing) internal and external reform process within the IPU aimed at making it more relevant, topical and visible in order to help it taking on such a parliamentary dimension. The internal reform process included a restructuring of the IPU organs without, however, making them too progressive.<sup>17</sup> External reform encompassed the strengthening of cooperation between the IPU and the United Nations through the conclusion of a

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<sup>15</sup> See also the President of the French National Assembly, Raymond Forni, and the President of the National Assembly of Burkina Faso, Mélégué Traoré, in *The World of Parliaments 1*, ed. Inter-Parliamentary Union (April 2001): 1-2.

<sup>16</sup> Policy recommendations for both options, for the IPU becoming a real representation of citizens and for it remaining a representation of parliaments are on the table (Bummel 2004: 87-89; Bummel 2008: Kissling 2006; Kissling 2008: 32-33).

<sup>17</sup> Thus, the inclusion of the term "parliamentary dimension" into the Statutes could not be agreed upon. For the first results of the reform (Kissling 2006:582-586; Kissling 2003: 11-13). Some deficiencies, such as the plenary scale of the three standing committees, was partly balanced out by a Rapporteur system and, in the following, by a multi-year agenda focusing on specific, forward-looking issues (e. g. innovative forms of financing for development, reinforcement of links between parliaments and civil society, scrutinizing outcome of multilateral negotiations) as well as a concentration on meetings of the Governing Council and the new (plenary) Committee on UN Affairs and on specific political events at autumn sessions.

cooperation agreement between the two organizations in 1996,<sup>18</sup> of other cooperation agreements with UN Programmes, Trust Funds, Specialized Agencies, and Departments,<sup>19</sup> the opening of an IPU office in New York representing the Union at the UN in March 1998,<sup>20</sup> the granting of observer status to the Union at the UN General Assembly, including the right to circulate its official documents in the Assembly, in 2002,<sup>21</sup> an annual parliamentary hearing at the UN General Assembly, since 2007 jointly organized with the UN, numerous other joint conferences with international and regional organizations, and the organization of a Conference of Presiding Officers of National Parliaments in 2000 prior to the Millennium Summit of Heads of State and Government and a Second World Conferences of Speakers of Parliaments in 2005 on the eve of the High-Level Meeting of Heads of State and Government with the support of the UN.

However, in order to become relevant, topical and visible, the Union still has to struggle with some basic constraints. The IPU's reputation at the beginning of the 20<sup>th</sup> century mostly was due to progressive, revolutionary outcomes based on scientific work carried out by its academic membership and to its link to the organized peace movement. Nowadays, the enormous workload has changed parliamentary work profoundly and has mostly excluded university professors from parliaments. Moreover, the link to civil society is not diligently attended to. Another obstacle to innovative proposals may be the large membership of the Union, which has been striving for universality for the last fifty years. The naturally differing views between North and

<sup>18</sup> *Cooperation Agreement between the United Nations and the Inter-Parliamentary Union*, 24 July 1996 (Archives of the IPU).

<sup>19</sup> With the UNESCO on 26 June 1997, with the FAO on 12 August 1997, with the ILO on 27 May 1999, a Memorandum of Understanding on Co-operation with the Office of the United Nations High Commissioner for Human Rights on 2 July 1999, a Programme of Cooperation with UNDP on 27 October 1998, an Agreement with UNITAR on 19 February 2004, a Partnership Agreement with the UN Democracy Fund on 17 October 2006, a Memorandum of Understanding with the UN Department of Economic and Social Affairs on the Global Centre for Information and Communication Technologies in 2006, an Agreement with International IDEA, NDI, UNDP, and UNIFEM on the International Knowledge Network of Women in Politics (iKNOW Politics) in 2006, a Programme of Cooperation with UNICEF in 2007, and a Memorandum of Understanding with UNDP on 21 November 2007.

<sup>20</sup> See in this context The White House, *Executive Order on the Interparliamentary Union*, 7 August 1998 (Washington: Office of the Press Secretary, 7 August 1998). This Executive Order designated the IPU as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act, and thus confirmed its international legal status; see below.

<sup>21</sup> UN General Assembly, *Resolution A/RES/57/32 of 19 November 2002*, <http://daccessdds.un.org/doc/UNDOC/GEN/N02/539/83/PDF/N0253983.pdf?OpenElement>, and *Resolution A/RES/57/47 of 21 November 2002*, <http://daccessdds.un.org/doc/UNDOC/GEN/N02/540/74/PDF/N0254074.pdf?OpenElement>.

South, regions, as well as between governing majority and opposition in Parliament make it difficult to come up with results going beyond those negotiated by governments. Moreover, the IPU has to struggle with the competition of more and more (regional or international) parliamentary assemblies or associations (see above and Kissling 2006a). Yet, last but not least, it is its own reluctance to pursue the more ambitious goal of becoming a real world parliament which is at the bottom of it being ignored by broad parts of the world public.

### **3. Design and structure. The Union's internal democracy from 1889 to the present**

This chapter elaborates on the global democratic relevance of the IPU with regard to its own (democratic) inner order. Unlike the previous chapter, this evaluation of design, structure and functioning of the IPU takes an internal democratic, rather than external democratization perspective. It is measured by reverting to the International Democracy macro-indicators of the International Democracy Watch which encompass the indicators appointment, democracy at the national level, input legitimacy, participation, control, inter-state democracy, supra-nationalism, power limitation, human rights, and output legitimacy.

#### **3.1. Appointment, democracy at the national level, and input legitimacy**

With regard to the indicator of appointment, the organization developed a structure largely comparable to its present structure already throughout the first five years of its existence. In 1894, the first Statutes of the Inter-Parliamentary Conference were adopted. The governance structure provided for a four-fold (parliamentary) structure: the General Assembly, the political organ of the Union, the Assembly of Delegates with two members of each parliamentary group, preparing the General Assembly of the Conference, a Bureau, with one representative of each group, as the management and executive organ at the same time, and a President presiding over the Bureau.<sup>22</sup> Today, these tasks are taken over by the Assembly (political organ), the Governing Council (governing organ), the Executive Committee and the Secretariat (separated tasks, management organ and executive organ), and the IPU President (political head of

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<sup>22</sup> See the first Statutes of the IPU of 1894, Lange (1911a: 47-50).

the organization and *ex officio* President of the Governing Council). The organization is thus single-headed (President), multi-headed (Executive Committee) and self-regulatory (Governing Council) in once. All officers from the beginning were elected.<sup>23</sup> To this day, this (parliamentary) practice continues.<sup>24</sup> Formerly, the members of the then Inter-Parliamentary Conference for International Arbitration<sup>25</sup> were individual members of parliament who constituted a group within parliament with the purpose of maintaining peace through arbitration and the dealing of other questions of public international law. Hence, the membership represented nongovernmental and non-state actors rather than state-like or part-of-the-state entities. In 1912, the national groups of parliamentarians within parliaments became the members of the Union (Kissling 2006: 51) which, however, did not significantly change the non-state character of its membership.<sup>26</sup> This only changed when, in 1990, the Statutes were changed to state that the IPU “shall be composed of National Groups *representing their respective Parliaments*” and “[*a*] National Group shall be created by decision of a Parliament [...]”<sup>27</sup> – the latter being part of the state structure.<sup>28</sup> Finally, in 2001, the parliaments themselves were designated as members of the IPU.<sup>29</sup> The IPU itself is a parliamentary body. Since its membership consists of Parliaments, those send their delegates to IPU meetings. Thus, members are representatives of national parliaments and not directly elected.<sup>30</sup> Free mass media certainly exist and also formerly existed in the whole

<sup>23</sup> Apart from the Presidency of the Assembly of Delegates; this office at the beginning was entrusted to the President of the parliamentary committee of the group organizing the yearly conference. Moreover, the IPU President first had to be a Swiss since the Bureau was based in Berne. When the first paid position of a (non-parliamentarian) Secretary-General was introduced in 1909, elections were also requested to fill this position.

<sup>24</sup> See the Statutes of the IPU and the Rules of its different organs, <http://www.ipu.org/strct-e/strctr.htm>.

<sup>25</sup> From 1899 Inter-Parliamentary Union for International Arbitration, since 1905 simply Inter-Parliamentary Union.

<sup>26</sup> Therefore, many international lawyers and others for a long time have classified the IPU as an NGO (Hübner 1970: 218; Klein and Lauff 1995: 1016-1018). Sterzel (1968: 9, 40, 53) also insisted on the NGO status of the IPU and its unofficial character, did, however, argue that a general membership of Parliaments as member groups would transform the IPU into an official association of Parliaments.

<sup>27</sup> Art. 3 (1) and (2) of the IPU Statutes as adopted in 1990, changes in italic; see Summary Records of the LXXXIIIrd Inter-Parliamentary Conference, Nicosia, 2-7 April 1990, Annex XVIII, 219.

<sup>28</sup> Art. 3 (2) of the Statues continues “[...] constituted in conformity with the laws of a sovereign State whose population it represents and on whose territory it functions”; *ibid*.

<sup>29</sup> See Art. 3 (1) S. 1 of today's IPU Statutes; note *Errore: sorgente del riferimento non trovata*. Those groups which had constitutional difficulties with the membership of their parliament could opt out of this membership change; see Art. 3 (1) S. 2 of the Statutes of the IPU, *ibid*. This option was chosen by the Australian, the British, the Canadian, the Danish, the New Zealand, the Norwegian, and the Swedish Group.

<sup>30</sup> For direct election versus appointment of parliamentarians to the IPU Member Parliaments, see below.



world. However, their interest in IPU affairs nowadays is still limited, apart from events in developing countries which are more likely to catch the eye of national media not used to abundant international meetings taking place. Yet, this was different in the early times of the IPU existence. At that time, IPU conferences met large responses from the press, which was probably due to the role of parliamentarians as intermediators in international conflicts and to the Union being strongly backed by the organized pacifist movement (Kissling 2006: 80).

Democracy at the national level, the second macro-indicator, depends on the view of what democracy is. From the beginning of the Union, its members had to be parliamentarians, meanwhile even Parliaments of sovereign States. Thus, only parliamentary representatives – by now Parliaments – of those states which have a parliamentary representation could and can be members of the IPU. Not all states which have a Parliament are represented in the Union. However, those which want to be do not have to fulfill certain (formal or qualitative) democratic, e. g. electoral, conditions,<sup>31</sup> nor is there a (regular) examination of democratic criteria or principles within a certain state.<sup>32</sup> According to Freedom House, 94 of the 153 states, whose Parliaments are IPU members, were electoral democracies in 2008, whereas 59 were not (Freedom House 2008). The Union itself follows the principle that it is better to include “non-democratic” Parliaments and to influence them from inside, through parliamentary practice in its own realm and through the propagation and development of democratic principles and rules. Thus, besides regular statements on democratic and parliamentary principles or against undemocratic developments in specific countries (e.

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<sup>31</sup> This did not hinder the Executive Committee to argue, in its recommendation to admit the Consultative Council of Saudi-Arabia in 2003, that the legislative power of the (appointed) Council was indeed not autonomous, but would go far beyond a mere consultative status since its legislation had binding force in case of mere changes of legislation – apart from a right to veto of the king – and in case of new legislation, a possible rejection by the Council of Ministers was usually outvoted by the King (Kissling 2006: 472).

<sup>32</sup> Therefore, the IPU usually prefers to talk of representative institutions, rather than democratic institutions, when referring to parliaments. Of course, the choice not to set any democratic criteria for membership is not the only option. Thus, the European Union, e. g., has formalized formal and qualitative democratic conditions for its membership in the Copenhagen criteria. On the other hand, the Committee for a Democratic U.N. for example proposes for a UN Parliamentary Assembly that the membership should be open to all those UN member states which have a constitutionally embodied parliament – other (qualitative) democratic conditions are not sought for (Bummel 2004: 91). The question whether the membership of regional or international organizations has to fulfil certain democratic conditions, and if yes, which ones (merely formal or also qualitative?) remains a controversial issue. Beyond certain formal criteria, democracy certainly is a normative issue which is difficult to judge.

g. Haiti, Myanmar, Pakistan, or East Timor<sup>33</sup>), it adopted two leading declarations, the Declaration on Criteria for Free and Fair Elections of 1994,<sup>34</sup> and the Universal Declaration on Democracy of 1997,<sup>35</sup> released various publications<sup>36</sup> and organized symposia and workshops in this field. Moreover, since the early 1970s, the Union has been running a technical assistance programme for Parliaments (Kissling 2006: 590-615), which since 2003 has been complemented by a Global Parliamentary Foundation for Democracy.

The criterion of input legitimacy is scarcely developed at the IPU. Contrary to the formative years of the Union, when IPU members were closely linked to the peace movement of that time,<sup>37</sup> a civil society today is largely absent from IPU conferences. Nevertheless, an observer status exists, either on a regular basis or on an occasional basis on invitation<sup>38</sup>. Observers can be bodies to which observer status has been granted by the UN General Assembly, and international organizations, which are classified according to four groups, namely, (a) organizations of the UN system, (b) regional inter-governmental organizations, (c) (official) regional or geo-political parliamentary assemblies or associations, (d) world-wide non-governmental organizations, and, since May 2006, (e) (official) international political party federations. Regular observers only have the right to deliver one speech during plenary debates of the Assembly and its Standing Committees and to make information material available on a special table set aside for this purpose. Those invited on an occasional basis can provide an information document on an item placed on the Assembly agenda for which they have special competence. In exceptional circumstances, the Governing Council

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<sup>33</sup> For statements with regard to human rights violations and the activities of the Committee on the Human Rights of Parliamentarians, see below.

<sup>34</sup> See <http://www.ipu.org/Cnl-e/154-free.htm>. In 2005, this was supplemented by a Declaration of Principles for International Election Observation and a Code of Conduct for International Election Observers which were submitted jointly to the IPU by the United Nations Electoral Assistance Division, the Carter Center and the National Democratic Institute for International Affairs.

<sup>35</sup> See <http://www.ipu.org/cnl-e/161-dem.htm>.

<sup>36</sup> See exemplarily *Codes of Conduct for Elections* (1998), *Democracy: its Principles and Achievement* (1998), *Free and Fair Elections. New Expanded Edition* (2006), *Parliament and Democracy in the Twenty-First Century: a Guide to Good Practice* (2006), *Tools for Parliamentary Oversight* (2008), <http://www.ipu.org/english/pblctns.htm>.

<sup>37</sup> See para. 2.1. above.

<sup>38</sup> Beside observer status, there is the possibility to acquire associate status for "[i]nternational parliamentary assemblies established under international law by states which are represented in the Union"; see Art. 3 (5) of the Statutes of the Inter-Parliamentary Union, <http://www.ipu.org/strct-e/statutes-new.htm>.

can be addressed on invitation by the President.<sup>39</sup> The first NGO (the ICRC) was present in 1971, the first party federation was accorded observer status in October 2006; meanwhile, 32 parliamentary assemblies or associations have regular observer status, six NGOs,<sup>40</sup> and one party federation.<sup>41</sup> This relative under-representation of civil society at the IPU can be traced back to mutual disinterest, of civil society (especially NGOs) in IPU matters on the one hand, and of the IPU in including a broad and lively civil society on the other hand. Moreover, the civil society present, namely, the parliamentary associations and the party federation, and most of the NGOs, in one or another sense have a link to public powers, if not through funding or international law rights and obligations (ICRC), then through close political links. Among the IPU members themselves, no political parties exist. Rather, member Parliaments are still organized according to regional groupings, the geopolitical groups,<sup>42</sup> an organizational form which even has been developed further throughout the last years. The geopolitical groups try to aggregate their members' positions and to transform this into joint positions and combined voting. They are taken into consideration for the allocation of positions in all IPU organs and their bodies, and beyond that their Chairs act as advisors for the Executive Committee. They can all have their own rules of procedures, which, however, do not always exist in written form.

### **3.2. Participation, control, and inter-state democracy**

If civil society is largely absent from IPU sessions, its ability to influence and participate in decision-making is almost equal to zero. Even though a regular or occasional observer status for world-wide NGOs, regional or geo-political parliamentary associations, and international political party federations exists, there is explicitly no right to present draft resolutions or amendments (quasi-legislative initiative) for observers, no right to vote, to raise points of order or to present candidatures.<sup>43</sup>

<sup>39</sup> See the Practical Modalities of the Rights and Responsibilities of Observers at IPU Meetings, <http://www.ipu.org/strct-e/obsrv-new.htm>.

<sup>40</sup> Amnesty International, Human Rights Watch, the International Committee of the Red Cross (ICRC), the International Institute for Democracy and Electoral Assistance (International IDEA), the International Federation of Red Cross and Red Crescent Societies (IFRC), and the World Federation of United Nations Associations (WFUNA).

<sup>41</sup> The Centrist Democrat International (CDI).

<sup>42</sup> There are six groups, namely, the African group, the Arab group, the Asia-Pacific group, the Eurasia group, the Group of Latin America and the Caribbean, and the Twelve Plus group.

<sup>43</sup> See the Practical Modalities of the Rights and Responsibilities of Observers at IPU Meetings, note Errore: sorgente del riferimento non trovata. This is different for Associate Members (international

There is also no right to address petitions. Nevertheless, some consultation of civil society has been taking place since decades, if not through referenda or public hearings, then through invitation to present written information material with regard to items on the Assembly's agenda or to be present in an advisory capacity during the work of drafting committees, through the joint elaboration of publication material (Kissling 2006: 647), and through joint projects. There have never been political parties organized at IPU level, but citizens can also not participate in the life of the geopolitical groups, nor can they influence their positions. Yet, the IPU has developed a strong policy in favor of women.<sup>44</sup> Besides numerous resolutions and paragraphs of resolutions on women issues, support to respective UN Conferences and their follow-up, accompaniment of those Conferences through own parliamentary meetings, the promotion of UN Conventions and their ratification and own contributions to codification processes, besides various panel discussions, seminars, surveys and studies on women topics, which linked the concern more and more to the subject of democracy, inner-IPU gender politics gained more and more in importance. Women parliamentarians within the IPU gathered from 1978 onwards, which resulted in a regular Meeting of Women Parliamentarians with its own Coordinating Committee. Not at least because of its pressure, women issues more and more found their way into IPU resolutions and policies, more and more positions within delegations and IPU posts were attributed to women,<sup>45</sup> and the follow-up regarding gender decisions was thoroughly checked. In 1997, the Gender Partnership Group with mixed (men and women) membership was founded as a follow-up to the UN Beijing World Conference on Women of 1995 and an IPU follow-up Specialized Conference of 1997. It is since then in charge of gender mainstreaming in the activities and decisions of the IPU. On its initiative, meanwhile the Statutes propagate a strong policy in favor of women or

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parliamentary assemblies), which can participate in the Assembly and its Standing Committees with the same rights as ordinary members, with the exception of the right to vote and to present candidates for elective offices. Yet, associate members are set up by States and are thus not part of civil society; see Rule I (2) of the Rules of the Assembly, <http://www.ipu.org/strct-e/asmlrules-new.htm>.

<sup>44</sup> See also *Democracy through Partnership between Men and Women in Politics*, <http://www.ipu.org/iss-e/women.htm>.

<sup>45</sup> Since autumn 2002, more than 25% of delegation members to IPU Assemblies (formerly: Conferences) have been women. In October 1987, the first woman was elected a member of the Executive Committee. In 1993, the German Leni Fischer became the first Vice-President of the Council, and in October 1999, the first woman, the Indian Dr. Najma Heptulla, became President of the IPU (India 1999). Slight pressure was exerted through the continuous publication of figures showing women representation at IPU Conferences.

gender balance,<sup>46</sup> as do other rules of IPU organs.<sup>47</sup> As with regard to national democracy, the IPU thus follows the principle of “influence from inside” also concerning women issues. Beside that, as a consequence of an IPU Plan of Action to Correct Present Imbalances in the Participation of Men and Women in Political Life of 1994, adopted in preparation of the UN Beijing Conference, the IPU started a huge program on Women in Politics. As such, it specializes on an issue of its own competence, which found expression in its events and publications as well as in its technical assistance programme.

The results for the element of control, *i. e.* the possibility for citizens to control the decisions of the IPU and their implementation, are mixed. On the one hand, relative transparency with regard to the decision-making process exists: documents and acts of the organization are freely available on the internet.<sup>48</sup> Yet, the respective bodies are not required to publish reasons for decisions taken, even though arguments and reasons for voting behavior of delegation members, of representatives of delegations or geopolitical groups, and of position holders uttered in the Council meetings find their way into the summary records of the Council sessions.<sup>49</sup> Involved interests, as far as they do exist (*e. g.* in the context of the examination of human rights violations of parliamentarians (see below) or the technical assistance programme), who want to receive more information than the one provided through the internet, have to go through the usual administrative channels, which, however, are lean. Independent mass

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<sup>46</sup> With regard to the Assembly, Art. 10 (1) S. 2 declares that “Members shall include male and female parliamentarians in their delegation and shall strive to ensure equal representation of men and women.” Art. 10 (3) says that “[a]ny delegation that for three consecutive sessions of the Assembly is composed exclusively of parliamentarians of the same sex shall automatically be reduced by one person.” And Art. 15 (2) (c) S. 1 provides for the same case that “[any] delegation [...] shall have a minimum of eight votes (instead of the ten for mixed delegations) at the Assembly of the Inter-Parliamentary Union.” Moreover, the President of the Coordinating Committee of the Meeting of Women Parliamentarians usually is an *ex officio* member of the Executive Committee (Art. 23 (1); see also (6) S. 4, and (7)). In addition, Art. 23 (2) S. 3 stipulates regarding the Executive Committee that “[a]t least three of the members elected must be women.” And Art. 23 (3) S. 2 says that “[o]nly parliamentarians from States where women have both the right to vote and the right to stand for election are eligible to the Executive Committee.” See Statutes of the Inter-Parliamentary Union, <http://www.ipu.org/strct-e/statutes-new.htm>.

<sup>47</sup> The Council Rules provide in Rule I (2) for single gender delegations being limited to two, instead of three, members; see Rules of the Governing Council, <http://www.ipu.org/strct-e/cnlrules-new.htm>. Gender balance is requested for *ad hoc* or special committees and working groups (Art. 21 (f) of the Statutes; see note *Errore: sorgente del riferimento non trovata*), and for the Bureau and the drafting committees of Standing Committees (see Rules 7 (1) s. 3 and 15 (2) S. 2 of the Rules of the Standing Committees; see <http://www.ipu.org/strct-e/cmtrules-new.htm>).

<sup>48</sup> Summary records have only been made public since 2008 for the Governing Council. However, the results of all IPU bodies are made available; see <http://www.ipu.org/strct-e/strctr.htm>.

<sup>49</sup> Verbatim records are not done since 1983 any more.

media surely exist, but whether they are interested in IPU affairs, is another question. Media reports on IPU Conferences are rare, apart from those organized in developing countries whose international activities are not that broad.<sup>50</sup> The IPU, as a parliamentary body, does not exercise control powers on an executive power, first, because an executive power does not exist within its system, and second, because up to now it has not been willing to officially take over such a task with regard to the UN system (see para. 2 above), even though without doubt it would be competent to do so on all UN issues given its broad parliamentary membership<sup>51</sup>. Nevertheless, in April 2007, a Committee on United Nations Affairs, consisting of all IPU members, was established whose mandate, beside reviewing the cooperation between the UN and the IPU / parliaments and reacting to requests of the UN for IPU input, also encompasses typical parliamentary control mechanisms. Its Advisory Group, set up the same year, has explicitly the right to conduct investigations, including through field missions, on the implementation of the principles recommended by the Report on System-wide Coherence, on UN peacebuilding operations, the implementation of the MDGs and other major international commitments, the UN budget, its sources and usage, financing for development, including related UN reforms, and human rights (ratification of human rights treaties and functioning of the Human Rights Council).<sup>52</sup> Thus, parliamentary enquiries are conducted, but the possibilities to filter them into the UN system and to ask for UN reactions to reports remain narrow. Moreover, the Advisory Group's first field mission testifies to a focus on recommendations for parliaments rather than on those addressed to the UN. Furthermore, questions and answers sessions at the UN do not exist at all. Effectiveness is hence limited. Finally, there is no way for the IPU to go before a (UN) Court.

Inter-state democracy is an indicator which cannot be examined because there is no body representing states *per se* within the system. Only parliaments are represented. With regard to inner-IPU bodies, the Governing Council in principle is based on the sovereign equality of States. Every Member is represented by meanwhile

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<sup>50</sup> This was different during the early times of IPU existence, when the press was highly interested in IPU conferences.

<sup>51</sup> Yet, it should be mentioned that the IPU meanwhile receives different project-related funds from the UN which might limit its independence.

<sup>52</sup> See Art. 2 of the Modalities for the Functioning of the Advisory Group of the IPU Committee on United Nations Affairs, <http://www.ipu.org/cnl-e/182-advgr.htm>.

three parliamentarians, except for single gender delegations (see above). By giving voting power to single parliamentarians present (mechanism to ensure presence), some sort of weighted voting is incorporated, since the possible voting power of single gender delegations is reduced by one (principle of gender equality). Generally, decisions are taken by majority vote.<sup>53</sup> In the Assembly, overall, weighted representation and voting can be found. Members are represented by eight parliamentarians (10 in case of a population of one hundred million inhabitants or more), in autumn by five (seven in case of a population of one hundred million inhabitants or more). In case of single gender delegations for three consecutive sessions, the number is reduced by one person (principle of gender equality). The votes of each delegation are composed of a minimum of ten votes per delegation (according to the sovereign equality principle) plus an additional number of up to 13 votes in relation to the population of the country. The minimum of ten votes is reduced to eight in case of single gender delegations for three consecutive sessions (principle of gender equality). Per delegate present, only 10 votes can be cast (mechanism to ensure presence). As a rule, decisions are taken by majority vote.<sup>54</sup> Power relationships do not have equivalence in the IPU structure. There is rather a balance of power.

### **3.3. Supranationalism, power limitation, human rights, and output legitimacy**

Addressing the issue of supranationalism, *i. e.* that citizens' interests, rather than States' interests, are the point of reference for decisions and their implementation, it first of all has to be stated that for the IPU, the official point of reference is – and has always been<sup>55</sup> – national parliaments, not the citizens whom those parliaments are supposed to represent. It perceives itself as the world organization of parliaments of sovereign States, and not as the representation of citizens' interests, which is a small, but decisive difference. Of course, it does not have legislative power itself, nor is any decision taken

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<sup>53</sup> See Rules I, 28, and 35 (1) of the Rules of the Governing Council, <http://www.ipu.org/strct-e/cmtrules-new.htm>.

<sup>54</sup> See Art. 10 (2) and (3), and 15 of the Statutes, note *Errore: sorgente del riferimento non trovata*, and Rule 34 (1) of the Rules of the Assembly, <http://www.ipu.org/strct-e/asmlrules-new.htm>.

<sup>55</sup> For the self-perception of early inter-parliamentarians as peacemakers and intermediators as well as for (minority) world parliamentary ideas within the Union see para. 2 above.

by the IPU directly applicable or enforceable within States<sup>56</sup>. A supranational executive power does also not exist. The only Secretariat which exists is an inner-IPU Secretariat, independent from Member parliaments – apart from the election of the Secretary-General – and with theoretically mere organizational powers, even though in practice the Secretary-General's influence extends into the political. There is no jurisdictional body, with the exception of the Committee on the Human Rights of Parliamentarians, which, however, cannot take binding decisions towards states (see below). Nor is there a central bank, a common currency, or an enforcement of norms through supranational or national police forces. Yet, the organization has meanwhile acquired some sort of legal status as an international parliamentary organization with a (derived) international legal personality *sui generis*, (Kissling 2006: 373-379; Brownlie and Goodwill-Gill 1999)<sup>57</sup> exemplified by the agreement on the IPU's juridical status with Switzerland of 1971<sup>58</sup> and the US Executive Order on the Inter-Parliamentary Union of 1998.<sup>59</sup> Interference with the domestic jurisdiction of States does only happen in case of human rights violations of parliamentarians. Yet, this interference does not go beyond negotiations, but it is concretely exercised (see below).

Power limitation is an indicator almost absent in the system of the organization due to its uni-power structure. There is only a parliamentary body, even without legislative powers. The executive branch remains limited to the inner-organizational Secretariat which is in charge of implementing the administrative, organizational, and project-related decisions of the Union. Yet, as mentioned above, the Secretary-General seems to have power above average, at least compared to the administrative branch of a national parliament. This is probably due to the absence of a system executive outside the organization, even though his power does not match the power of the UN Secretary-General. A jurisdictional body such as a court does not exist, with the quasi-exception of the Committee on the Human Rights of Parliamentarians, which, however, cannot take binding decisions towards states (see below). A jurisdictional body is also not necessary since the organization as such does not take externally

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<sup>56</sup> The IPU usually only adopts non-binding resolutions which at the utmost have soft law character towards its Member parliaments. The only binding decisions are inner-organizational.

<sup>57</sup> See also "Inter-Parliamentary Union (IPU)." *Yearbook of International Organizations* 38, no. 1B (2001): 1236.

<sup>58</sup> See note 13 above.

<sup>59</sup> See note 20 above.



binding decisions, neither towards (member) Parliaments, nor towards states or citizens. In this sense, a clear division of power between the Union on the one hand and (its member) Parliaments or states on the other hand exists.

Human rights is an issue which the IPU has had on its agenda since the early days of its existence when nobody in the international arena was yet talking about individual rights as part of international law. Since 1992, the contribution to the defence and promotion of human rights has even become a statutory purpose of the organization.<sup>60</sup> In 1999, the IPU concluded a Memorandum of Understanding on Co-operation with the Office of the United Nations High Commissioner for Human Rights. Yet, beside the adoption of – sometimes quite inventive – (non-binding) resolutions<sup>61</sup> on specific human rights of all kind<sup>62</sup> or the violation of human rights by states,<sup>63</sup> the organization of specialized conferences or seminars on human rights issues, and the issuing of various publications, the main quality of the human rights work of the Union has to be attributed to its Committee on the Human Rights of Parliamentarians, which was founded in 1976. Five experts, elected by the Governing Council, meet *in camera* four times a year to examine and adopt decisions on complaints about supposed violations of human and parliamentary rights of parliamentarians by states. The quasi-judicial<sup>64</sup> Committee aims for a dialogue with the authorities of the countries concerned in order to reach, through negotiation, a satisfactory settlement that meets human rights standards. Occasionally, the Committee undertakes missions and trial observations and organizes hearings for that purpose. The procedure, which is intended to protect or provide redress to individuals or groups of parliamentarians, includes both confidential and public components.<sup>65</sup> If the violation is of a particularly

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<sup>60</sup> See Art. I (2) (c) of the Statutes, <http://www.ipu.org/strct-e/statutes-new.htm>.

<sup>61</sup> Resolutions very often address States or international / regional organizations, but also refer to NGOs or the business world. There is no possibility to conclude international human rights treaties between States at IPU level. Human rights are also not executed by the organization; therefore, there are no executive mechanisms.

<sup>62</sup> Including third generation rights (group rights (minorities), right to development, and to self-determination) and additional second generation rights (right to work, food, education, health, and accommodation).

<sup>63</sup> This also involved the establishment of committees on specific countries. In the case of Chile, the Union even filed an action for *amparo* (*habeas corpus*) with the Chilean Supreme Court.

<sup>64</sup> The Committee uses a quasi-judicial procedure in order to settle cases by the political means of negotiation.

<sup>65</sup> The Committee can become active without prior exhaustion of local remedies and parallel to other international procedures. It does not make public the names of states treated in the confidential procedure. Its competence also extends to non-members of the IPU. Itself not being founded by a treaty, it is not limited to the examination of specific treaty obligations. Throughout the years, it has

serious nature, for instance in the case of the assassination or torture of a parliamentarian and/or if the authorities are not cooperating in a procedure, the Committee may render its reports and recommendations public by submitting them to the IPU Governing Council for the adoption of resolutions. However, neither the Committee nor the Council can take decisions binding upon states or other addressees.<sup>66</sup> Nevertheless, the political pressure exerted as part of both procedural steps very often has led to the intended results.<sup>67</sup>

The last criterion, namely, output legitimacy, is difficult to assess. Today, the quality of the IPU's output, as measured by its objectives and purposes according to Art. 1 of its Statutes, is of a mixed nature.<sup>68</sup> The Union, as the focal point for worldwide parliamentary dialogue, surely fosters contacts, coordination and the exchange of experience among Parliaments and parliamentarians of all countries. It also considers all sorts of questions of international interest and expresses its views on such issues. Yet, the aim of bringing about action by Parliaments and their members in the context of these views is not really achieved. Parliaments, especially in developed countries, very often ignore the results of the Inter-Parliamentary Union. It does, however, effectively contribute to the defence and promotion of human rights.<sup>69</sup> It does also effectively contribute to better knowledge of the working of representative institutions and to the strengthening and development of their means of action through its technical assistance programme (see above). The Union also supports the efforts of the UN and works in close cooperation with it. Finally, it also co-operates with the regional inter-parliamentary organisations, as well as with international, intergovernmental and non-governmental organisations which are motivated by the same ideals. Yet, the co-operation with NGOs is underdeveloped (see above). With regard to the role of the Union in promoting democracy inside states, it follows the developed its own jurisprudence. Other, extra-jurisdictional mechanisms for the protection of human rights within the organization or the system do not exist. Of course, there is also no criminal law, no criminal jurisdiction, no common passport, and no common citizenship.

<sup>66</sup> The resolutions are mainly addressed to the official authorities. States are probably not even obliged to consider the recommendations *bona fide*.

<sup>67</sup> See also IPU Committee on the Human Rights of Parliamentarians, <http://www.ipu.org/hr-e/committee.htm>.

<sup>68</sup> For the impressive outside successes of the Union during the early times of its existence as well as for the ups and down with regard to outside visibility during its history, see para. 2 above. Yet, influence and relevance, though important guidelines for the political institution IPU, are not and have never been statutory goals.

<sup>69</sup> See above the work of the Committee on the Human Rights of Parliamentarians, but also the Union's policy on women.

principle of inclusion of “non-democratic” Parliaments and of influencing them from inside, through parliamentary practice in its own ranks, through the adoption of democratic principles,<sup>70</sup> and through its technical assistance programme.

#### **4. Conclusions**

The IPU, its achievements as well as its reputation in international relations have changed significantly throughout its 120 years' history. From a commensurable influence and input into the shaping of world institutions at the beginning of the last century, through a time of relative oblivion up to the 1970s, when the IPU has started with new vigor to revitalize its own work and outside relevance. Yet, throughout history, it officially declined to take on the role of world parliament or to support such a body being set up independently. It prefers to pertinaciously pursue the goal of becoming the parliamentary dimension to the United Nations, a representation of national parliaments, rather than the global representation of citizens. Nevertheless, the label "parliamentary dimension" to the UN has further pushed the Union's image, though not far enough to carry political weight.

With regard to internal democracy of the IPU, the picture is mixed. Whereas the indicator appointment scores well overall, democracy at the national level does less. Input legitimacy nowadays is largely absent, and participation meets the same fate, apart from the IPU's strong policy on women. The results for control are mixed, and for inter-state democracy actually cannot be examined. Measured by reference to inner-IPU criteria, different principles (sovereign equality, weighted voting and representation, gender equality, mechanism to ensure presence) testify to a balanced approach towards inner-IPU democracy. The criterion of supranationalism scores close to zero, as does the criterion of power limitation, though power is absent within the IPU anyway. Human rights comes of well, given the focus of the IPU on human rights and especially the work of its Committee on the Human Rights of Parliamentarians. Finally, output legitimacy, again delivers a mixed picture. This first result, however, might be fine-tuned by future research.

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<sup>70</sup> For its policies on women and human rights, closely linked to the issue of democracy, see above.

## References

- Blonay, André de. 1967. "The Inter-Parliamentary Union and Patterns of World-Wide Parliamentary Cooperation." *Journal of Constitutional and Parliamentary Studies* 1(3), no. 3: 7-14
- Boissier, Léopold. 1942. "Die Interparlamentarische Union und der zweite Weltkrieg." *Die Friedens-Warte* 42(6): 282-286
- Boissier, Léopold. 1955. "L'Union interparlementaire et sa contribution au développement du droit international et à l'établissement de la paix." *RCADI* 88(2): 163-259
- Brownlie, Ian, and Guy S. Goodwin-Gill. 1999. *Joint Opinion on the International Legal Personality of the IPU, its Status as an International Organization in International Law, and the Legal Implications of such Status for the IPU's Relations with Governments and Other International Organizations: Reform of the Inter-Parliamentary Union*. IPU-Doc. EX/229/9-Inf.1, October 5
- Bummel, Andreas. 2004. *Developing International Democracy: For a Parliamentary Assembly at the United Nations, A Strategy Paper of the Committee for a Democratic U.N.*, edited by the Committee for a Democratic U.N. Stuttgart: Horizonte. <http://www.uno-komitee.de/de/dokumente/unpa-paper.pdf>
- Bummel, Andreas. 2008. *The Establishment of a UN Parliamentary Assembly and the Role of the Inter-Parliamentary Union*. Background paper, October. <http://www.kdun.org/en/documents/200810ipu-unpa.pdf>
- Cremer, William Randal. 1906. "Parliamentary and Interparliamentary Experiences." *The Independent* 61 (August 30): 508-13
- Davis, Hayne. "The Interparliamentary Union." *The Independent* 61 (July, 19, 1906): 126-31
- Descamps, Baron. "Essai sur l'organisation de l'arbitrage international: Mémoire aux

- Puissances.” *Revue de droit international et de législation comparée* 28 (1896): 5-74
- Douglas, James. 1975. *Parliaments across Frontiers: A short history of the Inter-Parliamentary Union*. London: Her Majesty's Stationery Office
- Eickhoff, Richard (1921). *Die Interparlamentarische Union (1889-1914): Der Vorläufer des Völkerbundes*. Berlin: Deutsche Verlagsgesellschaft für Politik und Geschichte m. B. H.
- Estournelles de Constant, Baron de. 1910. *L'organisation de l'Union interparlementaire.*, Edited by Conciliation internationale. Paris: Delagrave
- Freedom House. 2008. *Electoral Democracies 2008*. Available at <http://www.freedomhouse.org/template.cfm?page=411&year=2008>
- Ghebali, Victor-Yves. 1993. *The Conferences of the Inter-Parliamentary Union on European Co-operation and Security (1973-1991): The Contribution of Parliamentary Diplomacy to East-West Détente*. Aldershot: Dartmouth
- Gobat, Albert. 1895. “Organisons-nous!” *La Conférence Interparlementaire* 2(17) (January 1, 1895): 264-266
- Gobat, Albert. 1903. “The International Parliament.” *The Independent* 55 (May 14): 1148-50
- Hasselblatt, Werner. 1929. “Interparlamentarische Union und Minderheitenfrage.” *Nation und Staat, Deutsche Zeitschrift für das europäische Minoritätenproblem* 3(October 1929): 10-7
- Holtz, Uwe. 2002. “Das globale Dorf ist auf dem Weg zu Frieden, Demokratie und Wohlstand für alle,” in BUND and Miseror (eds.) *Wegweiser für ein zukunftsfähiges Deutschland*. München: Riemann-Verlag: 299-309
- Hübner, P. 1970. “Interparlamentarische Union,” In Hans-Helmut Röhrling and Kurt Sontheimer (eds.) *Handbuch des deutschen Parlamentarismus: Das Regierungssystem der Bundesrepublik in 270 Stichworten*. 218. Munich: Piper: 218
- India, Lardis. 1999. “Najma Heptulla: The First Woman President of the Inter-

- Parliamentary Union.” *Journal of Parliamentary Information* 45(3): 308-16
- Interparlamentarisches Büro (ed.) 1939. *Die Interparlamentarische Union von 1889 bis 1939*. Lausanne: Payot
- Inter-Parliamentary Union (ed.) 2001. *The World of Parliaments* 1 (April)
- “Inter-Parliamentary Union (IPU).” 2001. *Yearbook of International Organizations* 38, no. 1B: 1236-7
- Johnsson, Anders B. 1955. “The Inter-Parliamentary Union and the Promotion of Representative Institutions.” *Journal of Legislative Studies* 1(4): 104-11
- Kissling, Claudia. 2008. “A United Nations Parliamentary Assembly: Basic Ideas and Current Points of Discussion.” *KDUN News* (December 2008). [http://www.kdun.org/en/documents/200812ck\\_unpa.pdf](http://www.kdun.org/en/documents/200812ck_unpa.pdf), 1-4 / *Minerva* 34 (May 2009): 31-3
- Kissling, Claudia. 2006. *Die Interparlamentarische Union im Wandel: Rechtspolitische Ansätze einer repräsentativ-parlamentarischen Gestaltung der Weltpolitik*. Frankfurt/ M.: Peter Lang
- Kissling, Claudia 2006a. “Die Interparlamentarische Union im Wandel: Zu den Möglichkeiten repräsentativ-parlamentarischer Organisationen bei der Gestaltung von *Global Governance*,” in Sabine von Schorlemer (ed.) *Wir, die Völker (...)* – *Strukturwandel in der Weltorganisation: Konferenzband aus Anlass des 60-jährigen Bestehens der Vereinten Nationen vom 27.-29. Oktober 2005 in Dresden*. Frankfurt/ M.: Peter Lang: 181-214
- Kissling, Claudia. 2003. “IPU Reform: Basic Proposals Adopted.” *The Federalist Debate* XV(1): 11-3
- Klein, Hans H., and Werner Lauff. 1995. “Inter-Parliamentary Union,” in *Encyclopedia of Public International Law*. vol. 2. Amsterdam: Elsevier Science: 1016-1018
- Knoll, Gottfried. 1931. *Der Deutsche Regierungsentwurf zu einer Völkerbundsatzung vom April 1919: Zugleich Betrachtungen zur Völkerbundsatzung und zu ihrer Reform*. Leipzig:

Verlag von Theodor Weicher

Lange, Christian L. 1927. *Die Interparlamentarische Union und die Entwicklung des Völkerrechtes: Vortrag gehalten auf Einladung des Instituts für internationales Recht an der Universität Kiel am 18. Juni 1927*. Kiel: Verlag des Instituts für internationales Recht

Lange, Christian L. 1911. "Parliamentary Government and the Interparliamentary Union." *World Peace Foundation Pamphlet Series* 1(3), Part II. October: 3-15

Lange Christian L. 1911a. *Union interparlementaire: Résolutions des Conférences et Décisions principales du Conseil*, 2<sup>nd</sup> ed. Brussels: Misch & Thron

Lansing, Robert. 1921. *The Peace Negotiations: A Personal Narrative*. London: Constable and Company Ltd.

Mendlovitz, Saul H. and Barbara Walker (ed.) 2003. *A Reader on Second Assembly & Parliamentary Proposals*. Hamburg: Center for UN Reform Education

Miller, David Hunter. 1928. *The Drafting of the Covenant* 1/2. New York: G. P. Putnam's Sons

Pobulić, Simeon. 1976. "The Policy of Non-Alignment and the Interparliamentary Union." *Review of International Affairs, Federation of Yugoslav Journalists* (November 20, 1976): 24-6

Pohl, Heinrich. 1922. "Die Interparlamentarische Union und der Völkerbund." *Hochland* 19(8): 129-37

Quidde, Ludwig. 1922. *Völkerbund und Demokratie*, 2nd ed. Berlin: Neuer Staat

Quidde, Ludwig. 1911. "Zur Organisation der Interparlamentarischen Union." *Die Friedens-Warte* XIII(6-8): 167-71, 199-205, 237-47

Rens, Ivo. 1963. "L'Union interparlementaire entre le passé et l'avenir." *Montecitorio* 10-1 (October-November): 5-14

Roche, Douglas. 2003. "The Case for a United Nations Parliamentary Assembly," in

- Saul H. Mendlovitz and Barbara Walker (eds.) *A Reader on Second Assembly Parliamentary Proposals*. Hamburg: Center for UN Reform Education: 30-53
- Roszkowski, Gustave de. 1914. "L'Union interparlementaire." *Revue de Droit international et de Législation comparée* 46(16), 2<sup>nd</sup> series: 5-76
- Schücking, Walther. 1912. "Der Staatenverband der Haager Konferenzen," in Walther Schücking (ed.) *Das Werk vom Haag I*. Munich and Leipzig: Duncker & Humblot: 1-328
- Schücking, Walther and Hans Wehberg. 1931. *Die Satzung des Völkerbundes*, 3. Aufl., Bd. I. Berlin: Franz Vahlen
- Stansgate, Viscount. 1951. "The Interparliamentary Union." *The Contemporary Review* 1026 (June): 321-4
- Sterzel, Fredrik. 1968. *The Inter-Parliamentary Union*. Stockholm: P A Norstedt & Söner
- Uhlig, Ralph. 1988. *Die Interparlamentarische Union 1889-1914: Friedenssicherungen im Zeitalter des Imperialismus*. Wiesbaden: Franz Steiner Verlag
- Weardale, Lord. 1921. *The Inter-Parliamentary Union and the League of Nations*. Report to the Inter-Parliamentary Council, IPU Archives.
- Zarjevski, Yefime. 1989. *The People Have the Floor: A History of the Inter-Parliamentary Union, 1889-1989*. Aldershot: Dartmouth
- Zorn, Philipp. 1919. *Der Völkerbund, Eine Kritik der Entwürfe für die Verfassung des Völkerbundes*. Berlin: Hans Robert Engelmann





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