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Democratic Accountability of International Organizations: Parliamentary Control within the Council of Europe and the OSCE and the Prospects for the United Nations

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Abstract

Many international organizations, including the United Nations, are accused of lacking democratic accountability. A variety of proposals have been made to close the gap between their extended influence and the lack of effective controlling mechanisms to prevent abuses of power. This article focuses on one specific proposal: the establishment of parliamentary assemblies. Based on the experiences of the Council of Europe and the Organization for Security and Cooperation in Europe, it presents the factors that enable such assemblies to exercise parliamentary control and influence towards intergovernmental decision-making bodies. The article shows how a parliamentary dimension can be introduced conceptually into the debate on the democratic accountability of international organizations and how these insights support the reflections on a United Nations parliamentary assembly.

Keywords

Council of Europe, democratic deficit, OSCE, parliamentary assemblies, United Nations

Introduction

Public policies are increasingly shifting to the international level, and ever more decisions are taken in international organizations. This internationalization of policy-making renders global governance more effective and leads to improved policy outcomes. Conversely, it also creates a ‘participatory gap’ (Brühl and Rittberger, 2001: 22–3) that undermines the ‘input legitimacy’ of policy-making (Scharpf, 1999: 6–13), which is given when decisions are produced in a transparent and democratic process and ‘derive from the constituents’ active consent’ (Brühl and Rittberger, 2001: 22–3). International organizations are

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frequently accused of lacking input legitimacy because the broader public is excluded from deliberations and decision-making, and no effective constraints exist to prevent them from abusing their power.

This 'democratic deficit' also pertains to the United Nations (UN). Many consider the Security Council's (SC) composition not to be representative of the global power constellation anymore; more generally, democratic accountability seems to be missing throughout the entire UN system, including the General Assembly (GA). The criticism of the UN reflects a more general discomfort with international organizations, and many observers have demanded better ways and means of holding them to account (Keohane, 2006: 78). Consequently, a variety of proposals have been made in recent years to close the gap between their increasing power and their lack of democratic accountability (for example, Zürn, 2000; Nye, 2001; McGrew, 2002; UNDP, 2002: 112–18; Woods, 2003; Frey and Stutzer, 2006; Zweifel, 2006).

This article focuses on one specific proposal: the establishment of parliamentary assemblies within the institutional framework of international organizations. There are several reasons for this choice: First, although international governance still largely centres on national governments that interact and coordinate their policies in classical intergovernmental organizations, many of the latter now feature a parliamentary body (Lindemann and Walter, 1997: 892–904; Marschall, 2005: 138–71), even if many are 'quite ineffective' (Slaughter, 2004: 106). Second, in a democratic polity, political legitimacy is traditionally secured through mechanisms of parliamentary representation. These normative foundations and political practices of the democratic nation-state may become more important as some observers believe that there is a 'movement toward international democracy' (Trent, 2007: 252) and that democratic principles might increasingly inform decision-making in international institutions (Ebrahim and Herz, 2007: 4). Third, despite their increased popularity, parliamentary assemblies remain 'remarkably under-researched' (Kraft-Kasack, 2008: 535).

This article aims to explore theoretically and empirically the parliamentary assemblies of the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE), which are arguably the most influential parliamentary assemblies (Marschall, 2005: 41): The Council of Europe was the first international organization entrusted with a parliamentary organ and its assembly has developed considerably over the past 60 years. The OSCE assembly is integrated in an institutionally loose structure of an organization strongly shaped by its intergovernmental self-conception and it continues to struggle for recognition and influence.

This article establishes the factors that enable a parliamentary assembly to exercise control over the intergovernmental bodies of international organizations. It is based on empirical analyses of the Council of Europe and the OSCE and is theoretically informed by the question of how to conceptually embed a parliamentary perspective in the complex system of accountability mechanisms in world politics. It also has a practical dimension, since it asks how the empirical insights can be applied to the context of UN reform. The UN has paid more attention to integrating parliamentarians in its activities over the past decade; if this trend continues and a parliamentary assembly is conceived, a better understanding of the experiences of other assemblies will become more salient.

The article is structured as follows: The first section examines the theoretical question of how to conceptualize democratic accountability and how to bring in a parliamentary perspective. The second section empirically assesses the factors that enable the Parliamentary Assemblies of the Council of Europe and the OSCE to exercise parliamentary control. The third section reflects on what these insights imply for a potential future UN assembly.

Accountability of international organizations

Conceptualizing democratic accountability

Being accountable means that an 'individual, group or other entity demands on an agent to report on his or her activities, and has the ability to impose costs on the agent' (Keohane, 2006: 77). In a democratic polity, the power-wielders, that is, the government, are held accountable to the broader public through a variety of mechanisms. Procedurally, this is achieved through the mechanism of periodic elections with universal suffrage; institutionally, these elections lead to the constitution of a democratically elected parliament whose primary task is to create political legitimacy through public representation (Woods, 2003: 70; Keohane, 2006: 77). In a democratic polity, accountability thus requires that those who exercise power have to report to the citizens that are affected by their actions. With regard to international organizations, Robert O. Keohane calls the vision of establishing a system of democratic accountability 'utopian in the sense of illusory' because 'no coherent global government [...] is likely to emerge within the next few decades' (Keohane, 2006: 77). As liberal democracy seems to be impossible to realize in world politics, he proposes instead to establish a 'pluralistic accountability system' (Keohane, 2006: 79).

Such a pluralistic system correctly emphasizes that accountability in world politics is exercised through various mechanisms, including, for instance, fiscal, peer or market mechanisms (Woods, 2003: 71 f.; Grant and Keohane, 2005: 30–3 and 35 ff.). These notions of accountability, which differ from those conventionally associated with liberal democracy, allow states and other stakeholders to hold international organizations to account in a variety of ways. Despite such legitimate alternatives, it seems nonetheless premature to dismiss *a priori* the pertinence of accountability mechanisms derived from the practices of domestic liberal democracy: On the one hand, democratic principles and practices remain important elements of accountability systems and are particularly important in view of the 'participatory gap'. On the other hand, many citizens believe that mechanisms of democratic accountability provide more legitimacy than others because they lay particular emphasis on the opportunity to hold the power-wielders directly to account. Furthermore, in practical terms, citizens are unlikely to accept the notion that mechanisms regarded as crucial within their own constitutional systems should not matter on the international level.

By focusing on democratic accountability, three options for overcoming the democratic deficit of international organizations can be distinguished. The first is to redirect political decision-making to the national level and to reduce the amount of international

cooperation. In an increasingly complex and interdependent world, though, the capacity to solve transboundary problems is indispensable, and such proposals are only rarely supported. The next option accepts the need for international organizations, but believes that all attempts to democratize them are destined to fail. Its exponents believe that democratic accountability is only possible within the territorial state, because the connection between a nation (and its people) and democracy is 'systematic and indissoluble' (Zürn, 2002: 245). Robert Dahl, for example, asks rhetorically: If it is difficult for ordinary citizens to exercise influence on foreign-policy decisions in their own country, 'should we not conclude that the obstacles will be far greater in international organizations?' (Dahl, 1999: 32). The sceptics' arguments, however, lead to a dilemma between effective problem-solving (in international organizations) and democratic procedures (in states), without proposing any alternatives (Zürn, 2000: 190).

Proponents of reform-oriented approaches, the third option, refuse to accept this dilemma. Their proposals can be clustered in the following three broad categories (McGrew, 2002: 158–61): The liberal-democratic approach emphasizes that governments bear the main responsibility to secure democratic legitimacy through the representation of the people's interests in international bodies. The democratic accountability of international organizations could be enhanced if they were to tap the full potential of state participation, integrate civil society actors better and implement institutional reforms effectively. Second, transnational republicanism suggests democratizing the world from below through forms of direct and participative democracy. Its driving forces are critical social movements as actors of so-called progressive policies. Cosmopolitan democracy, third, posits a thorough democratization of all decision-making institutions and mechanisms on all levels of governance. It emphasizes the need for a 'global constitutional settlement' and is distinguished from the liberal-democratic position by its 'radical agenda and scepticism towards state-centric and procedural notions of democracy' (McGrew, 2002: 160–1).

The liberal-democratic approach has been at the core of most democratic reforms in international organizations (see, for example, UNDP, 2002). It focuses on three separate but interlinked lines of arguments: First, some suggest strengthening transparency and control mechanisms on the domestic level. This proposition is significant because those who claim that no democratic deficit actually exists in international organizations usually argue that state governments, which are in turn controlled by their citizens, hold them to account. Evidently, 'better accountability can and should start at home' (Nye, 2001: 5) and establishing clear lines of delegation and transparent domestic processes enables citizens to judge their government's policies. Other proposals call for the integration of civil society actors, usually non-governmental organizations (NGO), in order to provide access to information and to scrutinize decisions and actions better. Many practical steps in this direction have been taken and, despite the problematic aspects of NGO representation (Wapner, 2007: 261–2), they clearly have an exceptional capacity to raise critical questions and to bring more accountability into international organizations. Other proposals for institutional reforms, finally, concentrate on bringing more transparency into the decision-making processes of intergovernmental organs. What is often missing, however, is the option of creating networks among parliamentarians or even establishing parliamentary organs (notable exceptions include Mathews, 1997: 62; Falk and Strauss,

2001; Slaughter, 2004: 104–30). Parliamentary assemblies of international organizations are rarely mentioned in debates about the democratic deficit and the potential institutional remedies to mitigate it.

Some might argue that the EU Parliament (EP), which has acquired an increasing range of competencies over the past decades, is the exception. However, the fundamental difference to parliamentary assemblies is that EP members are directly elected. Members of parliamentary assemblies, conversely, have a ‘double mandate’, which means that they are appointed by national parliaments among their members and are thus serving both at the national and the international level. Furthermore, not only the EP but the EU as such is a case *sui generis* and many of the theoretical and empirical insights from EU studies do not fit the paradigm of parliamentary assemblies. The following paragraphs therefore conceive approaches of how to conceptualize parliamentary involvement in intergovernmental organizations and its contribution to the strengthening of democratic accountability.

Introducing a parliamentary perspective

Parliamentary assemblies build on a core idea of democratic politics: the parliament secures the legitimacy of political action by representing citizens’ interests, ensuring transparency and providing oversight of government action. Accountability is fostered through institutional checks and balances in which different branches of government are empowered to oversee and sanction others (Ebrahim and Herz, 2007: 16). It is the national parliament that secures transparency and guarantees parliamentary control of the executive power and their decision-making bodies. This accountability mechanism is missing in intergovernmental organizations. Their typical institutional structure consists of a plenary organ with a wide membership (of all member states) that serves participative functions and aims to create legitimacy (in the case of the UN, for instance, the GA); an executive organ with a narrow membership that takes decisions and aims to give the institution effectiveness (the SC); and a secretariat with administrative tasks that frequently exercises some political powers. From a representational viewpoint, the peculiar feature is that the same people from the executive branches of government typically represent the member states in both the plenary and the executive organ. Not only their institutional structure, but also their operations work according to the diplomatic ‘club model’ (Keohane and Nye, 2001): power is delegated to ‘issue-specific delegates meeting behind closed doors in a “club” of like delegates to negotiate agreements on behalf of the people of the state’ (Cabrera, 2007: 221; Trent, 2007: 174–5). Public participation and scrutiny are limited, and many disciplining mechanisms, for example the approval of international law treaties by national parliaments, can only be triggered at the final stage, with the option of ‘take it or leave it’.

Parliamentary assemblies aim to establish a system of ‘checks and balances’ between a governmental and a parliamentary body in international organizations as it exists in democratic states (Slaughter, 2004: 255; Walter, 2006: 227–8). Owing to their ‘double mandate’ of serving both at the national and the international level, all elected parliamentarians represent the interests, ideas and values of their constituents not only in the national parliament, but also in the parliamentary assembly, and are particularly suited to forging

effective links between the different levels of governance. Furthermore, parliamentary assemblies are pluralistic in composition, as both government and opposition MPs are represented according to their share of seats in the national parliament. This is a significant difference to the UN GA, where national delegations formulate their policies in view of the priorities of the current government and are not obliged to take into account the views of the opposition parties. As participation in modern societies is 'mainly guaranteed by representation', parliamentary assemblies may thus 'improve participation in comparison with intergovernmental forums as they provide for more direct and – as opposition MPs participate – fuller representation' (Kraft-Kasack, 2008: 537).

On the national level, parliamentary control is expressed in two ways: first, more conventionally, control means oversight in the sense of evaluating the behaviour and decisions of others, criticizing them and imposing sanctions in the case of misconduct. Second, control is exercised through participation or co-decision-making if those who control (parliament) must consent to the decisions proposed by those who act (government) (Patzelt, 2003: 29). Consequently, in order to provide effective parliamentary control, certain institutional and procedural prerequisites are needed: institutional links between the parliamentary body and the intergovernmental bodies must exist, and these links must allow the development of mechanisms that enable and facilitate forms of parliamentary control such as demanding and obtaining information, being consulted on political matters or being involved in the organization's decision-making process. The participation of parliamentary bodies may then stimulate public debate, strengthen the transparency of intergovernmental processes, influence the policy outcome of an international organization and therefore contribute to improved democratic governance.

Parliamentary control in international organizations

Council of Europe

The Council of Europe was founded in 1949 with the goal of promoting European integration and 'greater unity between its members' (Article 1, Statute of the Council of Europe). After the breakdown of Communist rule in Central and Eastern Europe, the organization was greatly expanded and consists today of 47 member states. Its main goals are the protection of human rights and the promotion of pluralist democracy and the rule of law in Europe (Huber, 1999; Haller et al., 2000; Benoît-Rohmer and Klebes, 2005). The Council of Europe was the first international organization to be entrusted from the very beginning with a parliamentary organ. Its intergovernmental body – the Committee of Ministers (CM) – is empowered to act legally as the organization's sole representative, and the Parliamentary Assembly (PACE) is a consultative body that contributes to the exchange of information and ideas and addresses policy recommendations to the CM (see the Council of Europe Statute; De Vel, 1995; Jaskiernia, 2003; Haller, 2007).

A treaty-based analysis of the Council of Europe would be misleading, however, because over the past 60 years its 'structure has been substantially adapted through a process of institutional proliferation' (MacMullen, 2004: 413). PACE was always the more active organ (Stegen, 2000) and has managed to expand its competencies significantly from those of a purely consultative body to those of a decision-making organ. In

many instances, the Council of Europe's political dynamic is the result of the intense interactions between the two organs as the legal foundations, and the institutionalized political practices authorize neither the CM nor PACE to act alone (Stegen, 2000: 79; Haller, 2000: 312). Therefore, the Assembly's political significance cannot be determined by looking at its formal competencies, but reveals itself when its policy-making powers are considered in practice.

At the heart of every parliament are open deliberations to stimulate public debate. Consequently, PACE meets for plenary sessions four times a year and invites ministers of all member states to participate. Heads of states or governments frequently address the Assembly and subsequently answer the parliamentarians' questions, thus making PACE an important platform for European political dialogue. Public debate is complemented by a variety of other means that make intergovernmental processes more transparent. To begin with, the president of the CM presents a report on the progress of intergovernmental cooperation at each part-session of the Assembly. Although, in formal terms, the report is not discussed, because the Assembly does not directly control the CM, all representatives are allowed to ask questions. As the Assembly does not question the foreign minister in his or her capacity as president of the CM, the discussion may be regarded as an exchange of information among actors on equal terms. Nonetheless, some consider this practice to be a form of 'quasi-parliamentary control' (Jaskiernia, 2003: 291), which is complemented by the right to submit written questions to the CM at any time; if there is no agreement, the CM objectively informs the Assembly about the reasons. These rights entail opportunities to elicit information, and although they do not necessarily compel policy change, they may raise the CM's awareness of a particular issue.

While Assembly debates are open to the public, the meetings of the CM take place behind closed doors. However, since 1999, the Assembly president has actively participated in the preceding informal meeting, and following the Assembly's Recommendation 1567 (2003) has since been invited to attend formal CM sessions as well.¹ Beyond participation in CM sessions, the CM and PACE have also instituted an extensive coordination process. At its core is the joint committee, which is staffed by one representative from each member state, with the same number of representatives appointed by PACE. It examines problems that are common to both organs, makes proposals for the respective draft agendas and examines means of implementing adopted recommendations.² The working procedure is quite informal in order to enable open debate and direct exchange of opinions between diplomats and parliamentarians. The fact that the Assembly president chairs the joint committee indicates the 'structural superiority' and political significance of PACE (Jaskiernia, 2003: 275 f.).

A variety of other joint working groups have been introduced to allow for flexible coordinating mechanisms, often of an informal nature, further underlining the close relations and interactions between the intergovernmental and the parliamentary organs.³ Finally, a great number of steering groups composed of national civil servants deal with complex technical issues. Members of the Assembly Secretariat participate in these technical committees in order to introduce the Assembly's interests and ideas and, in turn, to keep the parliamentary committees informed about the intergovernmental working process (Jaskiernia, 2003: 277).

The Assembly also has ways of directly influencing the policies decided upon by the Council of Europe. First of all, PACE can initiate actions to be taken by the CM by adopting a recommendation, which is a legally non-binding parliamentary motion, but it must be answered by the CM. An important indicator of the impact of these recommendations is the degree to which they lead to recommendations adopted by the CM, which are then addressed to the member states. Empirical studies provide evidence that about one-fifth of the recommendations adopted by the CM refer to recommendations initially adopted by PACE (Šabič, 1995: 87; Habegger, 2005: 118 f.). Another important parliamentary motion is the opinion, which serves to outline the Assembly's position on any issue on which it was consulted by the CM. Usually, the CM does so deliberately, but in a few cases the CM is obliged to consult the Assembly.⁴

This last point indicates that PACE has acquired some decision-making powers in areas that traditionally fall within the intergovernmental realm. First, the Assembly is directly involved in the election of a variety of high-level representatives, such as the secretary-general of the Council of Europe, the members of the European Court of Human Rights or the European Commissioner for Human Rights. Although the CM usually pre-selects a number of candidates, the Assembly takes the final decision and thus possesses elective powers similar to those of national parliaments. Second, PACE is *de facto* in charge of deciding on admitting a country to membership in the Council of Europe.⁵ As long as the Assembly has not given a positive opinion on a membership application, no state can become a member of the Council of Europe (Council of Europe, 1997: 13; Jaskiernia, 2003: 244). Although the CM could *de jure* make a decision contradicting the Assembly's opinion, experience shows that this is a purely formal possibility. The great number of membership applications since 1990 and the thorough monitoring procedures before and – even more importantly – after the accession of new member states have impressively underlined the Assembly's important role in this respect.

The Assembly also exercises considerable influence on the Council of Europe treaty-making process. Empirical studies have shown, for example, that 36% of all Council of Europe conventions (international law treaties) have been initiated by PACE (Habegger 2005: 155). Furthermore, the Assembly also plays a significant role in the drafting of these conventions, especially since the CM is obliged to consult PACE on these matters. Finally, other important activities, such as election observation or the training activities for democracies in transition, also contribute to the Assembly's political influence.

Organization for Security and Cooperation in Europe

In 1973, representatives of 35 Eastern, Western and non-aligned countries gathered in Helsinki to talk about enhancing cooperation in the face of the Cold War. When the Conference on Security and Co-operation in Europe (CSCE) concluded two years later, the participants had agreed on a number of military confidence- and security-building measures and decided to work together in areas of economic, scientific, technological, environmental, cultural and humanitarian concern. After the end of the Cold War, the CSCE was renamed the Organization for Security and Co-operation in Europe (OSCE) to reflect its deepened institutionalization. However, even today, it does not possess a legal foundation under international law and still depends on the voluntary cooperation

of its participating states (Ghebali, 1996; Thomas, 2001; Galbreath, 2007). In 1990, the 'Charter of Paris for a New Europe' called for 'greater parliamentary involvement' in the CSCE, 'in particular through the creation of a CSCE parliamentary assembly'. In April 1991, parliamentarians from all CSCE signatory countries gathered in Madrid and established the CSCE Assembly (Oliver, 1996: 43) to discuss subjects addressed by the OSCE governing bodies, to develop and promote mechanisms for the prevention and resolution of conflicts and to support the strengthening and consolidation of democratic institutions in the member states.

The Assembly can only meet its objectives in close cooperation with the intergovernmental OSCE, yet, legally speaking, the Assembly has 'no bridge by which to cross to the intergovernmental process' (Buchsbaum, 1993: 33). From a strictly formal perspective, the Assembly is not part of the OSCE, but is an independent body consisting of parliamentarians from the OSCE member states. There are no coordinating organs between the governmental and the parliamentary parts of the OSCE, such as those enshrined in the institutional framework of the Council of Europe. In practice, however, several declarations of the OSCE Summits or Ministerial Councils have described the Assembly as an institution belonging to the OSCE,⁶ and the ministers even declared in 1999 that the Assembly 'has developed into one of the most important OSCE institutions'.⁷ Although the OSCE's decision-making process and political self-conception are still strongly shaped by its intergovernmental nature, it has developed into an organization that is now equally characterized by the integration and participation of a parliamentary body.

Similarly to what has been said about PACE, the OSCE Assembly stimulates public debate on issues on the OSCE agenda. The OSCE chairman-in-office regularly participates in the Assembly's annual meeting, answers the parliamentarians' questions and transmits their views to the Ministerial Council. Any member of the Ministerial Council has the right to attend the Assembly's sessions and to speak in debates.⁸ Even though they are not legally obliged to do so, many leading OSCE representatives regularly deliver presentations at Assembly meetings, offering the parliamentarians opportunities to engage in a political dialogue. OSCE parliamentarians also ask questions of OSCE representatives at their own Assembly meetings, making the Assembly a platform for the organization's internal political dialogue. Due to the absence of a formal link, however, this dialogue does not create legal obligations, and the Assembly does not exercise parliamentary control in the conventional sense. Nevertheless, it can be argued that this dialogue creates some sort of 'indirect parliamentary control', since the parliamentarians control the foreign policy of their respective home countries within the bounds of their activity within the OSCE. In addition to oral questions, the parliamentarians may at any time put written questions to OSCE governing bodies.⁹ Even though this provision was unilaterally set by the Assembly, has not received OSCE official consent and parliamentarians are dependent on the intergovernmental bodies' voluntary cooperation, it is seen as appropriate politically to respond to requests from elected parliamentarians of OSCE member states (Buchsbaum, 1993: 33).

The Assembly also strengthens transparent OSCE governance, most importantly by participating in meetings of the Permanent Council, the OSCE's main political working body. A memorandum of understanding concluded in 2002 between the OSCE chairman-in-office and the Assembly president allowed the latter to present adopted resolutions to

the Permanent Council.¹⁰ Nonetheless, when the Assembly and the Permanent Council wanted to conclude a formal agreement on their mutual relationship, both parties realized that many forms of cooperation that are currently practised would be jeopardized by formal codification. Indeed, the draft document raised the awareness of many member states regarding the variety of already existing institutional links between the two bodies and opposition arose among countries with a critical stance towards the involvement of a parliamentary body in the OSCE.

Besides attending the Permanent Council, Assembly representatives also participate in meetings of other OSCE institutions such as the OSCE Summits or the Ministerial Councils. Finally, following a recommendation of the 1996 OSCE review meeting,¹¹ the then chairman-in-office invited the Assembly president to take part in the meetings of the Troika (consisting of the current, previous and incoming chairpersons-in-office). According to former Assembly president Helle Degn, the Troika meetings are particularly important because they provide ‘a very useful tool for contributing directly to the solution of many major issues which [are] on the agenda of the Organization’ (2001: 366).

In contrast to the rights enjoyed by PACE in influencing policy-making, there are no explicit matters on which intergovernmental bodies are compelled to consult with the Assembly. While parliamentarians can bring recommendations to the attention of the OSCE governing bodies, the latter are not obliged to take them into consideration. The resolutions adopted by the Assembly are not legally binding, but the idea of a political dialogue supposes that the intergovernmental side will at least take note of them. A historical overview of the Assembly’s ‘policy impact’ shows the difficulties of eliciting reactions from the OSCE executive bodies, and references to the Assembly are rarely found in decisions or documents of the intergovernmental OSCE (Habegger, 2005: 168 f.).

Evaluating parliamentary control

The analysis of the Council of Europe and the OSCE underlines the importance of strong links between an organization’s parliamentary and intergovernmental bodies as a prerequisite of control and influence. In the Council of Europe, the CM and the PACE are institutionally interwoven in manifold ways. In contrast, the position of the OSCE Assembly is much more fragile because it is highly dependent on the voluntary cooperation of the decision-making bodies. The failed attempt to codify some of the rights that have been acquired in practice shows that the anchoring of parliamentary influence in an organization with a deeply rooted intergovernmental culture is a difficult endeavour. It also emphasizes that many states are still highly critical of any proposals that might jeopardize the prerogatives of the executive power in foreign affairs.

Some elements of parliamentary control can nevertheless be observed for both institutions – while showing significant differences: PACE consistently performs better than the OSCE Assembly with regard to stimulating public debate, strengthening processes of transparent governance and influencing policy outcomes. An important aspect is the active involvement of high-level representatives of the member states and the organization’s executive bodies in parliamentary debates. When heads of states and governments report in public on their activities and answer the deputies’ questions, this is an excellent means of initiating and sustaining a dialogue at the highest level of political

authority. Equally, the right to submit written questions to executive bodies makes it possible to bring into the public spotlight issues on which the intergovernmental decision-makers are willing neither to divulge information nor to engage in debate, and thus contributes to more transparent governance. In general, however, the degree of control remains modest and mostly weak, and many aspects could still be improved to strengthen the democratic accountability of these institutions even further.

A full assessment must also consider the potential repercussions on the level of the member states. First of all, the rationale behind the representatives' double mandate (they serve both in these assemblies and in their respective national parliaments) entails some kind of policy transfer between the different levels of governance. Consequently, both PACE and the OSCE Assembly have created a variety of measures to feed their policy recommendations into the national decision-making processes (Habegger, 2005: 180–7). Although it is difficult to judge the extent to which these measures are actually effective, the parliamentary assemblies themselves are not satisfied with the degree to which their policies are fed back into national parliaments.¹² Scholars even state that the failure to integrate the work of parliamentary assemblies into the work of national parliaments is a main problem they face in fulfilling democratic functions (Kraft-Kasack, 2008: 553). Nonetheless, there is also empirical evidence that national parliaments take decisions that refer to decisions adopted by PACE, and that parliamentarians use the Assembly's documents as sources of inspiration for national legislation and refer to them in parliamentary debates (Klebes, 1998: 293; Jaag and Schaefer, 2002: 136). Overall, however, while the double mandate provides an excellent opportunity to link levels of governance in theory, any critical enquiry must ask whether this arrangement actually fulfils its intended purpose satisfactorily in practice.

The legitimacy imparted to parliamentary assemblies by the fact that they are composed of elected national parliamentarians could also create a negative side effect if they 'consider themselves primarily as representatives of home parliaments' and regard the priorities of the assemblies 'exclusively through the prism of national priorities' (Šabič 2008: 266). Indeed, parliamentarians in both PACE and the OSCE Assembly are expected to consider themselves not as national representatives, but as independent voices that vote without instructions from their home governments and directly represent their electorate in the international body. Some might argue that the concept of a 'parliamentarian as an international actor remains a contradiction in terms' (Šabič 2008: 267), and conflicts of interests between the roles of a national parliamentarian and a representative in an international body might indeed be unavoidable. In this regard, it is important for the assemblies to set clear priorities in terms of the issues that must be dealt with in order to avoid dissipating energies – something that both PACE and the OSCE Assembly tend to forget. Finally, a lack of public awareness often impedes the creation of sufficient political leverage that is commensurate with the high ambitions that these assemblies set for themselves.

Such potential limitations are offset by the potential benefits if the established linkages between the different levels of governance are used effectively. Working in an international setting and meeting parliamentarians from other countries may, for example, broaden 'the horizons of individual legislators' in a way that is not only 'likely to feed back to their constituents' (Slaughter, 2004: 237), but might also change their attitudes

and values towards international cooperation in general. It might provide them with insights that have an impact on their deliberations about global issues in national parliaments. Furthermore, the acquired knowledge and the direct access to alternative sources of information might enable parliamentarians to exercise improved oversight over their own governments in foreign affairs. The establishment of parliamentary assemblies thus not only improves democratic accountability within international organizations, but also meets the demands of those who claim that, first and foremost, better accountability starts at home.

Integration of parliamentarians in the United Nations

Failed efforts to reform the UN in recent years have revealed the difficulties involved in making even minor adjustments to its institutional framework. It is quite unlikely that much progress will be made within the next few years. As long as even modest steps are avoided, a significant move, such as the establishment of a UN parliamentary assembly, is unlikely to happen. However, today's 'world problems provide strong motivations for democratization at the international level' (Trent, 2007: 252), and the many proposals for a 'second' UN assembly (in addition to the GA) 'indicate the growing pressure to pluralize and diversify participation within the UN system' (Alger, 2007: 706). It therefore seems reasonable to consider all options and to ask, based on the experiences of the Council of Europe and the OSCE, what the most important aspects are in designing a UN parliamentary assembly.

The creation of a UN assembly has continuously inspired scholarly publications (see, for example, Archibugi, 1995; Childers, 1997: 275; Archibugi et al., 2000; Sheppard, 2000; Falk and Strauss, 2001; Falk, 2002; Kennedy, 2006: 208–15 and 274–7; Walter, 2006; Alger, 2007: 706; Trent, 2007: 174–8). They often centre on the GA, and the broad spectrum of concrete proposals ranges from the (mandatory) inclusion of parliamentarians in national delegations to GA sessions, to the creation of an 'Assembly of Peoples' (either as a consultative body to the GA or as a substitute for the current GA), to the establishment of a 'joint assembly' composed of both parliamentarians and representatives of non-governmental organizations (NGOs).

In practice, the UN has taken up the issue of integrating parliamentarians many times since the end of the Cold War. In 1996, Secretary-General Boutros Boutros-Ghali stated that 'peace, development, and democracy are inextricably linked' (United Nations, 1996) and concluded that democracy must be strengthened and further developed not only within the nation-states and in their interstate relations, but also in what he called the 'advent of a global, transnational society' (Boutros-Ghali, 1995: 3). He explicitly counted parliamentarians among the newly emerging actors within this transnational society. He emphasized that they provide for links to citizens and public opinion, without which it becomes ever more difficult to gain recognition, understanding and support for international tasks and responsibilities. Moreover, parliamentarians bring in the concerns of their constituents and open avenues to improve an organization's legitimacy, responsiveness and effectiveness (United Nations, 1996: §87).

Secretary-General Kofi Annan further developed the idea of bringing parliamentarians in closer contact with the UN. Under his tenure, the Inter-Parliamentary Union (IPU)

strengthened its links to the UN and became a focal point for integrating parliamentarians (Pöhle, 2003; Kissling, 2006). The integration of parliamentarians was also mentioned in the UN reform report in the run-up to the World Summit of September 2005. It contained, among other things, reform proposals for the GA and postulated mechanisms for the systematic integration of the civil society (United Nations, 2005: §§240–3). They explicitly tied in with proposals made in an earlier report from June 2004 on UN–Civil Society Relations that mentioned parliamentarians as one of four pillars in this respect (United Nations, 2004: §§103–16; Alger, 2007: 710 f.).

Today, both main UN organs – the SC and the GA – are intergovernmental bodies. Thus, under the current institutional constellation, it makes no sense to compare their relations to the institutional systems of the Council of Europe or the OSCE, where the parliamentary and the governmental bodies are clearly different in terms of appointment and composition. It is difficult to imagine what a possible relationship between a parliamentary assembly and the GA might look like, as the GA itself displays a certain ambition to be the representative organ of the broad UN membership. However, it is important to remember that the GA itself cannot be considered a parliamentary assembly, because it is composed of national governmental delegations in which parliamentarians are not represented.¹³ Therefore, it is politically more sensible to envisage the relations between a newly created parliamentary body and the SC – with the GA remaining the body that represents the broad membership of all UN member states. The SC is the UN's executive organ and can be compared – at least to some extent – to the CM of the Council of Europe and to the Permanent and Ministerial Councils of the OSCE.

What are the key lessons to be drawn from the two cases in reflecting on the creation of a UN assembly? First, a parliamentary assembly must be clearly embedded within the organization's institutional framework and linked to the intergovernmental bodies. Although this may sound trivial at first, past experiences in both the Council of Europe and the OSCE underline that such a requirement is difficult to establish in practice. A UN assembly could only be effective if it were able to engage UN bodies in a political dialogue, and formalized links give an assembly a political status that allow it to reach out to other bodies. Nevertheless, the OSCE indicates that even without formal links there are opportunities to develop relations with intergovernmental bodies. A UN assembly, therefore, does not necessarily have to be conceived in a strictly formalized manner; it could also be an informal body working on a very pragmatic basis towards its goals. Rather loose organizations or networks of parliamentarians – alongside other transgovernmental networks of judges or regulators – have extended their reach and influence in global governance in recent years (Slaughter, 2004; Gstöhl, 2007). Instead of concerning oneself with formal rules and regulations, it might be more realistic to start at a more low-key level and only to extend the degree of institutionalization and powers over time.

Second, a parliamentary assembly creates opportunities to stimulate public debate and to elicit information from government representatives by asking them (critical) questions as a way of mitigating one of the frequently deplored defects of international organizations – their lack of transparency. The participation of members of government in parliamentary debates has been labelled a form of quasi-parliamentary control, and even if it may sound exaggerated to some, it is nonetheless tempting to imagine such a practice in a UN context. If the SC chairman or the presidents and prime ministers of

member states had to report to parliamentarians and to answer their questions on a regular basis, that would unquestionably send a signal in terms of democratic accountability.

Third, the example of the Council of Europe demonstrates that it is possible to expand powers continuously and to acquire more direct influence on the decision-making process. A UN assembly would aim to implement instruments for submitting recommendations to the decision-making bodies – even if the latter disapproved and would hardly accept a legal obligation to react. To use the advisory capacity of a UN assembly by requesting opinions on political ideas might also strengthen the impression that the member states are responsive to public opinion as expressed by the people's representatives. Furthermore, the debate about a possible involvement of the GA in the process of selecting the UN Secretary-General points to the example of PACE and its role in electing the Secretary-General of the Council of Europe: While the SC would maintain its prerogatives in selecting candidates that are acceptable for all major powers, it would leave the final choice among two or more candidates to the UN assembly. Finally, the right to submit and recommend policies (as exemplified by the involvement of PACE in the Council of Europe treaty-making process) strengthens an organization's accountability and democratic legitimacy in the eyes of many citizens.

Fourth, both assemblies examined in this article developed their relations with the intergovernmental bodies over time. It took years, even decades, to build the necessary trust of governments and to forge more stable and institutionalized relations. A UN assembly may only have loose ties to the SC or other decision-making bodies, but it may envisage developing these relations by having a positive impact on the entire organization. The executive decision-makers may then become accustomed to forms of cooperation and elements of 'checks and balances' that were initially judged to be unacceptable.

Conclusions

Creating parliamentary assemblies is only one option for improving the democratic accountability of international organizations. This article does not aim to promote a 'world parliament' (and even less 'world government'), nor does it propose a specific institutional design or a concrete implementation process. Rather, it is intended to demonstrate how parliamentary assemblies actually provide mechanisms to improve the democratic accountability of international organizations by filling the 'participatory gap' inherent in many aspects of contemporary global governance. The empirical analyses of the Council of Europe and the OSCE show that this approach is not an illusionary endeavour.

Parliamentary assemblies provide avenues for exercising a certain degree of control over intergovernmental bodies if they are endowed with the necessary institutional and functional requirements. Nonetheless, an overall assessment of their performance must also conclude that they only rarely meet their self-declared ambitions and often fail to deliver on the objectives they set for themselves. The reasons may be manifold, and the most important ones have been mentioned: the lack of institutional links to intergovernmental bodies; the lack of a set of effective mechanisms to hold them to account; the dissipation of energies by dealing with too many issues without setting clear priorities; or the inability to generate sufficient public awareness to create political leverage.

Furthermore, some important caveats must be kept in mind when thinking about transferring the experiences of both assemblies to the UN: First, assembly size is an issue to consider as the UN constituency of 192 member states largely exceeds those of the Council of Europe (47 member states) and the OSCE (56 member states). However, suggestions have already been made to overcome this problem: The Inter-Parliamentary Union, for example, applies a system of gradual representation assigning each country ten votes and then additional votes depending on the size of its population. Second, although the Council of Europe and the OSCE cover a broad spectrum of policy issues, ranging from security to the economy and the environment, the UN has an even larger scope, including issues that are primarily relevant to the developing world. It is not clear how a widening of the policy scope would affect outcomes; similarly, it is unclear how an assembly would deal with issues that are perceived by many as the prerogatives of the executive – namely national security affairs – and how it would deal with governments that are very concerned with protecting their national sovereignty.

Besides this critical assessment and the many open points, the potential strengths of parliamentary assemblies need to be recalled as well: They open up intergovernmental decision-making processes that too often take place behind closed doors; they engage government representatives in a political dialogue; they allow parliamentarians to elicit information from ministers and diplomats by asking questions regarding policies that may affect their constituents; they permit parliamentarians to bring in ideas, proposals or even values that may otherwise remain unheard; they expose parliamentarians to the political leaders of other countries, making them aware of international problems and reminding them of the necessity to engage in international cooperation; and they allow elected representatives better to control not only the actions of international organizations, but also the foreign policies of their own government. Overall, they are able to contribute to more participatory, transparent and accountable global governance.

The UN as the key global institution is not only accused of failing to deliver effective policy solutions, but also often criticized for being too exclusive and opaque. In this respect, the parliamentary assemblies of the Council of Europe and the OSCE can serve as models if options for institutional UN reforms are evaluated. Their experiences matter and should be taken into account when decisions are made with regard to a more comprehensive reform of the world organization's institutions and structures.

Notes

1. Parliamentary Scrutiny of International Institutions (CM/Del/Dec (2003)825).
2. Council of Europe Statutory Resolution 51(30).
3. Transparency of the Decisions of the Committee of Ministers (AS/Pro (2004)13 rev, para. 18–20); Les relations entre l'Assemblée Parlementaire et le Comité des Ministres (AS/CM/Mix/Working Group (2000)1).
4. Les relations entre l'Assemblée Parlementaire et le Comité des Ministres (AS/CM/Mix/Working Group (2000)1).
5. Article 41d in conjunction with Article 26, Statute of the Council of Europe; Statutory Resolution 51(30).

6. See the OSCE Summit declaration 1992, para. 41; the OSCE Summit declaration 1994, para. 9; or the OSCE Ministerial Council decisions MC(9).DEC/3/Corr.1, para. 3 and MC(13).JOUR/2 Annex 2.
7. Charter for European Security (SUM.DOC/1/99), para. 17.
8. OSCE Assembly Rules of Procedure, Rule 40, 2 and Rule 25, 5.
9. OSCE Assembly Rules of Procedure, Rule 40, 4.
10. Memorandum of Understanding of 26 June 2002 (CIO.GAL/40/02/Rev.1).
11. 1996 OSCE Review Meeting, Report of Working Group 2, para. 4 (REF.S/91/96).
12. See Rapport d'Activités 1993–1997: Le Partenariat Européen de Parlements Nationaux au sein de l'Assemblée Parlementaire (AS/Doc 7903 (1997)). See also Gramlich (2003: 132).
13. Some governments integrate parliamentarians in their delegations to the UN GA on a voluntary basis.

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