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Democracy building in the regional context: Insights from the European Parliament and beyond



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List of abbreviations

- AEC: ASEAN Economic Council.
- ACC: ASEAN Coordinating Council.
- ACP-EU Joint PA: Africa-Caribbean-Pacific countries and EU Joint Parliamentary Assembly.
- AICHR: ASEAN Inter-Governmental Commission on Human Rights.
- AIPA: ASEAN Inter-Parliamentary Assembly.
- AIPO: ASEAN Inter-Parliamentary Organization.
- AIPU: Arab Inter-Parliamentary Union.
- APSC: ASEAN Political Security Council.
- ASCC: ASEAN Socio-Cultural Council.
- ASEAN: Association of South-East Asian Nations.
- CoE: Council of Europe.
- CM: Committee of Ministers of the Council of Europe.
- CMC: MERCOSUR Common Market Council.
- CMG: MERCOSUR Common Market Group.
- COEPM: Body of Electoral Observers of the PARLASUR.
- CPA: Commonwealth Parliamentary Association.
- CRPM: Commission of Permanent Representatives of MERCOSUR.
- EAC: East African Community.
- EACJ: East African Court of Justice.
- EALA: East African Legislative Assembly of the East African Community.
- EC: European Commission.
- ECHR: Convention for the Protection of Human Rights and Fundamental Freedoms.
- ECSC: European Coal and Steel Community.
- EEAS: European External Action Service.
- EED: European Endowment for Democracy.
- EEC: European Economic Community.
- EESC: European Economic and Social Committee.
- EMU: Economic and Monetary Union of the EU.
- EP: European Parliament.
- EU: European Union.
- EUROLAT: Euro-Latin American Parliamentary Assembly.
- EUROMED: Euro-Mediterranean Partnership.
- EURONEST: Parliamentary Assembly between the EU and the Eastern European Partners.
- IGO: Inter-governmental Organization.
- Int. IDEA: International Institute for Democracy and Electoral Assistance.
- IPI: International Parliamentary Institution.
- IPU: Inter-Parliamentary Union.
- MERCOSUR: Southern Common Market.
- MTC: MERCOSUR Trade Commission.
- ODPM: MERCOSUR Parliamentary Observatory of Democracy.
- OECD: Organization for Economic Cooperation and Development.
- OLP: Ordinary Legislative Procedure.
- OPPD: Office for Promotion of Parliamentary Democracy.
- PACE: Parliamentary Assembly of the Council of Europe.
- Parlacen: Central American Parliament of the Central American Integration System.
- Parlandino: Parliament of the Andean Community.
- PARLASUR: MERCOSUR Parliament.
- QMV: Qualified Majority Voting.
- SADC PF: Southern African Development Community Parliamentary Forum.
- SEA: Single European Act.
- TEU: Treaty on European Union.
- TFEU: Treaty on the Functioning of the European Union.
- UNU-CRIS: United Nations University – Institute on Comparative Regional Integration Studies.
- WAIPA: Women Parliamentarians of AIPA.

Democracy building in the regional context: insights from the European Parliament and beyond

EXECUTIVE SUMMARY

International parliamentary institutions (IPIs) are seen as a valid response to the democratic challenges posed by globalization and regional integration. Following the principles underpinning their national counterparts, IPIs can contribute to democratization by promoting the representation of affected publics and facilitating their incorporation into regional or global governance structures. They can also foster the articulation of popular interests in coherent democratic claims and lead to greater levels of transparency and accountability, and therefore contribute to a greater legitimacy of supranational actors.

With this study the United Nations University – Institute on Comparative Regional Integration Studies (UNU-CRIS) and the International Institute for Democracy and Electoral Assistance (International IDEA) seek to analyze this emerging phenomenon. The purpose is to critically examine the democratic capacities of IPIs and the way they perform as vectors of democratization. What is the status of democracy in regional integration and cooperation processes? Do IPIs play an important role in promoting democratic practices across regions? How can we strengthen international legislative assemblies? The research aims to answer such questions and to produce tangible policy recommendations for policy makers, practitioners and experts that will enhance the democratic performance of IPIs.

Taking account of the plethora of mandates, legal frameworks and institutional relations that characterize the various IPIs, this study focuses on international parliaments that deal with regional

integration. In particular, the paper examines comparatively the following parliaments: the European Parliament (EP), Parliamentary Assembly of the Council of Europe (PACE), East African Legislative Assembly of the East African Community (EALA), MERCOSUR Parliament (PARLASUR), and ASEAN Inter-Parliamentary Assembly (AIPA). A great deal of attention is paid to the EP as the most advanced IPI and as a potential source of insights which could be relevant to other regional/international parliaments.

Making use of International IDEA's framework for democracy, and relevant work by the international policy community, the comparative exploration of the IPIs under study is based on the following dimensions: Representativeness and accountability; Legislative capacity; Control and oversight; Transparency; and Democracy support (in member states and/or across the region).

The present investigation involves an analytical presentation of each IPI leading to a concluding comparison of their strengths and weaknesses. The research was based on qualitative methods and a systematic literature review that also included various policy documents (constitutive protocols and treaties, internal organization rules, etc.). These were coupled with a series of expert-interviews conducted with parliamentarians of the abovementioned IPIs or members of their permanent administration, representatives of civil society, and experts.

The IPIs covered in this study vary in terms of democratic capacities and in the ways they perform their role as the motors of democracy. The European Parliament is relatively more advanced as an IPI. Despite some weaknesses, the EP performs all the

	EP	EALA	PARLASUR	PACE	AIPA
Representativeness and Accountability	★★★★	★	★★	★★	★
Legislative powers	★★★★★	★★	★	★★	
Oversight, control	★★★★	★	★	★★	
Transparency	★★★★	★★	★	★★★★	★
Democracy support	★★★★	★	★★	★★★★	

★★★★ = excellent ★★★ = strong ★★ = satisfactory ★ = weak

functions that national assemblies do, and in some ways (notably in amending laws and expanding its own powers) outperforms them. Thus, it can indeed act as one of the useful referents to other IPIs. However, of course, it took the EP four decades to develop its powers. This is not a process of imitation. Political traditions are not the same everywhere and different approaches may be required in different regions.

Overall, the study finds that IPIs exhibit weaknesses in all major areas of parliamentary democracy (representativeness and accountability, legislative powers, control and oversight, and transparency and democracy support). Nonetheless, experience shows that they are currently in a process of institutional learning and growth. International parliamentarians, especially at regional assemblies, increasingly act to enhance the authority and functions of their institutions. In all likelihood, in the near future IPIs will grow in importance and clout. The present study

makes a series of policy recommendations that aim to accelerate this process. IPIs are motors of democracy in the face of increasing interdependence. They can instill greater democratically grounded legitimacy in processes of cooperation and integration. Importantly, at the same time they act as vehicles for the promotion of democracy in member states or regionally. IPIs recognize and seek to embrace this challenge, but much will depend on their persistence and readiness to innovate in the face of adversity.

From the outset the authors sought to incorporate and build on the critical feedback provided by key stakeholders. Thus, they would like to thank the participants at the high-level, public presentation of the study in Brussels¹ (European Economic and Social Committee (EESC), 14 October 2013) for their enriching remarks. In particular, the research greatly profited from the insights of Mr. Miguel

1 http://www.cris.unu.edu/News-Archive.33.0.html?&tx_ttnews%5Btt_news%5D=1492&cHash=9977adb8e1c-88c2631eea4f2e3015f62

Angel Martinez Martinez, MEP and Vice President of the European Parliament; Mr. Dick Toornstra Director of the Office for Promotion of Parliamentary Democracy (OPPD) of the European Parliament; Mr. Ilya Subbotin, Political Advisor at the Liaison Office of the Council of Europe (CoE) to the European Union (EU); Dr. Stelios Stavridis, ARAID Senior Research Fellow, Research Unit on Global Governance and the EU, University of Zaragoza, Spain; Mr. Gabriele Visentin, Deputy Head of Division, Parliamentary Affairs, European External Action Service (EEAS); and H.E. Mr. Carlos Appelgren Balbontín, Ambassador of Chile to the EU and Representative of the Chair of the Council of Int. IDEA. Needless to say that the opinions and omissions of the study are the sole responsibility of the authors.

Policy Recommendations

European Parliament (EP)

- 1) Elect a number of additional MEPs in a pan-EU constituency from transnational lists put forward by European transnational parties. The number of these new MEPs could be 25 as suggested by the EP's Constitutional Affairs Committee in 2011.
- 2) Introduce a uniform electoral law for this pan-EU constituency.
- 3) Enhance the effectiveness of the Joint Transparency Register by making it compulsory.
- 4) Oblige candidates for the European Commission's presidency to publicly advance their political vision about the future of the EU and EU governance issues.
- 5) Further institutionalize and extend the scope and number of debates among the main candidates for the European Commission's presidency.
- 6) The EP should contribute to EU democracy by proposing that the composition of the European Commission (2019) reflects the majority coalition of political groups in the European Parliament.

7) Further enhance EU democracy by proposing that Commissioners (2019) be chosen from MEPs, while maintaining all EU Member States' representation.

East African Legislative Assembly (EALA)

- 1) Introduce direct elections for EALA after the end of the 3rd EALA assembly (2012-2017).
- 2) Commission a feasibility study and recommendations on the creation of supranational political groups.
- 3) EAC member states should allocate more resources for the regional integration organs, and increase the EALA's budget to enhance the infrastructure of standing committees (allocating permanent staff and operational budgets).
- 4) Add Swahili as an official language to reach a greater audience and thereby increase transparency.
- 5) Allow EALA to revise the EAC's budget .
- 6) Reduce the veto power of the Summit by granting EALA the power of oversight (amend Treaty) in leading policy areas (e.g. development, common market issues), when it can raise a 2/3 majority.
- 7) Provide resources to develop and implement a communication strategy, and promote the existence and work of EALA via the radio and press.
- 8) Institutionalize the assembly's engagement with civil society groups (deliberative council) with a dedicated session during each assembly session.

Parliament of the Mercosur (PARLASUR)

- 1) MERCOSUR should grant the parliament greater budgetary powers after the 2014 PARLASUR elections.
- 2) Utilize and take advantage of the existing fast track procedure which grants PARLASUR the power to assent to legislation.
- 3) Enhance the capacity of Parliamentarians to

effectively use their consultative powers to dialogue on relevant issues with Executive organs.

4) PARLASUR should compile and debate a transparency report concerning MERCOSUR decisions on an annual basis.

5) Enlarge the presence of supranational political groups and rely less on consensus voting.

6) Establish mandatory quotas (40% for women) in the PARLASUR direct elections.

7) Develop and implement a more systematic communication strategy, especially with regard to direct elections.

8) Member States should make more funds available to PARLASUR for democracy support activities, and in particular, capacity building.

Parliamentary Assembly of the Council of Europe (PACE)

1) Allow PACE more control over the budget of the Council of Europe.

2) Use budgetary power as a bargaining instrument in policy dialogues with the Committee of Ministers.

3) The Secretary General of the Council of Europe should participate in a debate with PACE at all plenary sessions.

4) Grant co-decision right to PACE in the adoption of Treaties.

ASEAN Inter-Parliamentary Assembly (AIPA)

1) Commission a study to make recommendations on the feasibility of further institutionalization of the assembly with a view of AIPA becoming an official organ of ASEAN.

2) Formalize meetings between AIPA delegations and the Heads of ASEAN's Community Councils to facilitate AIPA's advisory and oversight functions.

3) Increase the number of AIPA delegates representing opposition parties of member states.

4) Institutionalize the participation and engagement of civil society representatives and organizations in the current work of committees, study groups, etc.

5) Formalize common guidelines for the election of AIPA delegates from national parliaments.

6) Strengthen the Secretariat of the AIPA by increasing the number of professional staff and organize annual capacity building seminars for staff and parliamentarians.

7) Establish an AIPA center for monitoring and promoting best practices in parliamentary democracy and elections across the region.

I. FROM THE LOCAL TO THE GLOBAL

It is a truism that globalization has put an enormous strain on the capacity of nation states to attain desired goals and to implement chosen policies. The ever deepening processes of interdependence and transnationalization have given rise to problems and issues that evade national boundaries and surpass the response capacities of domestic governments; climate, energy, security and the economy being the more obvious cases in point. Regionalism can arguably be understood as an attempt by states to pool resources in order to better respond to the increased complexity and challenges of globalization (Van Langenhove, 2011). However, interdependence and the multiplication of levels of governance and international instances of power have had an obvious impact on the effectiveness and legitimacy of democratic governments. If decisions are taken at global and/or regional levels who are the deciders? And how can one best ensure acceptable degrees of accountability and legitimacy?

Haas has noted (2004) that the global level is characterized by a governance, participation and implementation deficit. In the absence of a global government the making and implementation of norms and rules (to the extent that it has taken place) has depended on a dialogue between public authorities. The often opaque character of these interactions however, in addition to the exclusion of affected communities from the debating table, has in many instances sapped their legitimacy (Held, 1995). As Bohman argues global 'institutions tend towards domination simply due to the absence of any obligation to provide a justification to citizens that they could accept' (Bohman, 2004: 437). In an era of great interdependence these democratic anxieties have gained greater urgency and have led to the increased incorporation of transnational affected communities in global or regional instances of power.

This has given rise to two distinct, though related, processes. On the one hand, guided by a more participatory and reflective understanding of democracy, it has led to the emergence of processes of deliberation and to the birth of transnational public-private networks of governance and rule-making (Bohman, 2007; Dryzek, 2000). On the other hand, influenced by more traditional representative notions of democracy, it has led to the emergence of transnational representative institutions – mostly in the guise of international parliamentary assemblies. While admitting the importance of the first development and the extension of deliberative democratic elements, this study seeks to elucidate the latter phenomenon. Indeed the rapid growth of transnational representative institutions in number and diversity in the post-Cold War era has been a worldwide phenomenon².



Andrew Bradley (Int. IDEA) and Luk Van Langenhove (UNU-CRIS)

International parliamentary institutions (IPIs) or assemblies are seen as a valid response to the democratic challenges posed by globalization (Archibugi and Held, 1995; Held, 1995). Following the principles underpinning their national counterparts, IPIs can in theory contribute to the representation of affected publics and facilitate their incorporation (albeit via proxy) into regional or global governance

² Prior to 1945 there were only three IPIs, the Inter-Parliamentary Union (1889), the Nordic Council (1907) and the Commonwealth Parliamentary Association (1911).

structures. They can also foster the articulation of popular interests in coherent democratic claims and lead to greater levels of transparency and accountability of international actors. It is mostly for these reasons that IPIs have mushroomed in the last decades, especially after the Cold War and the prevalence of liberal democracy. Today there are about 70 IPIs (Sabic, 2008)³.

IPIs came in various institutional and legal guises but according to Cutler (2006: 82):

“an IPI may be defined as an international institution that (1) is a regular forum for multilateral deliberations or an established basis of an either legislative or consultative nature, (2) either attached to an international organization or itself constituting one, (3) in which at least three states or trans-governmental units are represented by parliamentarians, (4) who are either selected by national legislatures in a self-determined manner or popularly elected by electorates of the member states.”

More recently Sabic (2008: 258) has introduced a slightly broader working definition of IPIs which are seen as:

“Institutions in which parliamentarians cooperate with a view to formulating their interests, adopting decisions, strategies or programs, which they implement or promote, formally and informally, in interactions with other actors, by various means such as persuasion, advocacy or institutional pressure.”

Naturally, not all IPIs possess the same powers or mandates. Some are legally connected to international organizations in the framework of a process of integration (e.g. the European Parliament (EP), PARLASUR, the East African Legislative Assembly (EALA), the Parliamentary Assembly of the Council of Europe (PACE)), others are inter-parliamentary assemblies not officially related to an IGO (e.g. the Inter-Parliamentary Union (IPU), the ASEAN Inter-Parliamentary Assembly (AIPA)⁴, the Arab Inter-Parliamentary Union (AIPU), etc.) and finally others have started out as specialized agencies and

have come to be recognized in some way by an organization (e.g. the Southern African Development Community Parliamentary Forum (SADC PF), the Euro-Mediterranean Parliamentary Assembly, the NATO Parliamentary Assembly, etc.) (Kissling, 2011: 26-27). In principle, those IPIs legally connected to an IGO will be more developed in terms of legislative and oversight functions and will most resemble traditional national parliaments. Additionally, as Sabic notes (2008: 258) another important dimension in the study of IPIs is the examination of what they do. And here it seems that a significant dividing line is between IPIs that deal with integration and those that do not (Malamud and de Sousa, 2007). For the purposes of this study we focus on ‘integration IPIs’.

What is most important for policy oriented social research is to examine and establish the degrees to which IPIs actually contribute to the promotion of democratic processes at the international and national levels (Weisglas and de Boer, 2007). In order to achieve this, rigorous empirical research is necessary. Academic literature on the subject matter has been limited but has (together with the IPIs themselves) proliferated in the last years. The best researched example is evidently the European Parliament (EP) (Stratulat and Emmanouilidis, 2013; Costa, 2009a; 2009b; Mather, 2001). Other assemblies that have received some attention have been those of the Council of Europe (PACE), the PA of NATO (Buch, 1997) or the Nordic Council (Berg, 1988), PARLASUR (Dri, 2009; Malamud and de Sousa, 2007) and EALA (Adar, 2013). More recently, there have been attempts to offer a comparative and more comprehensive examination of a number of IPIs (Costa, Savidis and Dri, 2013; Cofelice, 2012; Kingah and Cofelice, 2012; Kissling, 2011; Navarro, 2010; Sabic, 2008; Kraft-Kasack, 2008).

Of course depending on their different degrees of institutionalization IPIs vary in terms of structure, capacities and resources. However, this ought not to dissuade one from conducting comparative

3 However De Puig (2008) lists 40 IPIs while Kissling (2011) comes up with nearly 100.

4 Nonetheless AIPA is an associated entity of ASEAN

social research (see Costa, Stavridis and Dri, 2013). Despite the manifest differences between the IPIs, the fact remains that comparison is valid in light of their functional and institutional similarities and aspirations. In addition, the gains afforded by the comparison in terms of policy learning and capacity building (via realistic recommendations) are too important to neglect. Local contexts aside (and they are indeed vital) the world policy community can only profit from the comparative accumulation of data and comparison of experiences (Stiglitz, 1999).

What thus becomes easily clear is that in order to comparatively gauge the democratic contributions of IPIs one needs precise criteria. Naturally, the sources of inspiration for the drawing out of relevant criteria are to be found in democratic political theory and in the real-life paradigm of national legislative chambers. Despite the fact that there are clear (if not stark) differences between national and international assemblies and that one ought in principle to avoid nation-centric assimilations of the global and regional order, it remains the case that liberal democratic theory remains the best guide in the establishment of relevant criteria. This has been accepted by the wider international policy and academic communities and has guided the actions of international democratic actors, donors and sponsors. The parliamentary democratic frameworks established by bodies like the Inter-parliamentary Union (IPU), the European Commission or the Commonwealth Parliamentary Association (CPA) can thus be used in the study and evaluation of IPIs.

This study pays particular attention to the European Parliament (EP) as the overarching example of a democratic assembly that lies at the heart of a process of transnational cooperation and integration. The EP often operates as a real life paradigm for other IPIs, helping highlight strengths or pitfalls. On the whole the EU has served as a point of reference, and sometimes as a role model, for how regional integration processes can develop and how

regional institutions can be built (De Lombaerde and Schulz, 2009; Kirkham and Cardwell, 2006). What is more, in many occasions the EU has actively promoted an integration agenda across different regions, exercising different degrees of influence upon regional organizations and institutions (De Lombaerde and Schulz, 2009; Lenz, 2011).

At the same time, we examine and compare the Parliamentary Assembly of the Council of Europe (PACE), the East African Legislative Assembly of the East African Community (EALA), the MERCOSUR Parliament (PARLASUR) and the ASEAN Inter-Parliamentary Assembly (AIPA). The first four (together with the EP) parliamentary institutions serve as organs of international, regional organizations. In particular, these assemblies were embedded in an international treaty for the governmental organization as a whole (Kissling, 2011: 38). Hence, the choice is made in light of their democratic potential as the legal, representative chambers of the aforementioned institutions. Additionally, the choice affords significant geographical and political diversity and also allows some comparison between the two major European transnational assemblies. The exception is AIPA which does not legally belong to the ASEAN, but has quasi-official ties with it. Yet AIPA is an 'associated entity' of ASEAN and its subject matter is regional integration and law harmonization (Kissling, 2011: 20). Admittedly that places AIPA in a weaker position vis-à-vis the other assemblies in terms of developing any kind of legislative or oversight functions. However, the examination of the Asian context is important for the purposes of research overview.

II. ASSESSING INTERNATIONAL DEMOCRACY

In conformity with International IDEA's framework for democracy and after careful examination of the instruments established by the international policy community (IPU, 2008; EC, 2010; 2012, OPPD, 2012), we focus on the following democratic dimensions:

1. Representativeness and accountability.

A parliamentary assembly that is not representative of the people that constitute its reference point is evidently not a fully-fledged democratic assembly. Parliamentary representative democracy is premised upon the fact that the legislative chamber is to a great extent a social, cultural, economic and political reflection of the wider community. Liberal democracy prides itself in its recognition of the rights of minorities and in their protection against the tyranny of the many. To the extent that social demands and voices are not heard inside a popular chamber we can speak of a democratic deficit.

At the same time, parliamentarians as representatives of the people (or their constituents) must be held accountable for their actions. In national assemblies this is made possible principally via free elections. Representatives that underperform or who violate the trust of the public can be voted out of office. In addition, the national media play a major role in controlling and scrutinizing the actions of representatives thus, holding them accountable. Finally, accountability is also to some extent achieved via peer control inside assemblies.

The transposition of these criteria to the international/regional level is not a straightforward affair. International assemblies may not necessarily adequately reflect the peoples of the region as the election of their members is not subject to popular participation. Furthermore, representativeness is harder to establish in loosely defined transnational

regions than it is in traditional national assemblies that correspond to clear-cut constituencies. The fact remains that for the better part IPIs (the EP is the obvious exception, while the Parlacen, the Parlandino and the PARLASUR have provisions for the direct elections of their members) are not directly elected. The logic underpinning their existence in most instances is not propitious to direct representation and by extension to strong mechanisms of accountability. Equally, parliamentarians of IPIs do not necessarily make significant decisions, as it is the other organs that are invested with these powers. Finally, media interest for IPIs remains low, thus minimizing the accountability benefits of public scrutiny.

2. Legislative capacity

Drafting, deliberating, amending and voting laws are the core functions of parliaments. Of course, in practice many parliaments – in countries where the executive is particularly strong – simply rubberstamp legislative drafts emanating from the ministries. Nonetheless, in most instances assemblies have the capacity – via the work of various committees and the contributions of technically competent staff that support the representatives – to influence and/or amend key pieces of legislation. At the same time, the explicit assent of the assembly is necessary for the final approval of drafts (in most instances achieved via simple majorities).

Hence, research on IPIs would have to examine the following issues. Are IPIs responsible for drafting legislation? Do they possess the legislative initiative? Are the bills binding? Or do they have a more declaratory, consultative function? Is the assent of the Parliament required for legislation proposed or promoted by the executive? Is this achieved via simple (or complex) majorities or consensus?

Naturally, experience and an initial overview of the literature shows that IPIs do not possess the

same legislative capacities as national chambers. International representative democracy is for most intents and purposes in its infancy. Nonetheless, models and aspirations vary. A case by case examination is thus important; especially for the purposes of policy recommendations.

3. Control and oversight

In parliamentary systems the Assembly is the locus of governmental authority, directly electing the Prime Minister. In Presidential systems however parliaments are mostly seen as a coequal instance of power that acts as a balance against the power of the President. However, even in Presidential systems procedures for the removal of the executive are foreseen (e.g. impeachment). In addition, parliaments control the executive through questions, committees of inquiry, motions of censure, etc. In most liberal democracies parliaments also debate and vote on the national budget thus playing a decisive role in future affairs. Overall, as a rule the assent of the parliament is required for the executive to advance with the implementation of its preferred policies.

Hence, we will examine the extent to which IPIs are invested with such powers. Can they solicit responses or publicly question members of the executive or other organs of the organization? Can they elect the executive or remove it from office? Can they elect members of other bodies of the organization? Can they debate, influence or refuse the organization's budget? Can they request policy proposals from other bodies of the organization? And are such requests taken into consideration? Is their assent required for the making of decisions by the executive?

4. Transparency

Democratic parliaments must be open to public scrutiny. This means that debates take place in public and that deliberations and decisions can be

made available to citizens. At the same time, it implies that the media have unfettered access to information and are capable of openly holding representatives accountable for their work. Overall, transparency is secured via clear mechanisms and processes which ensure the transmission of information to the public and seek to engage it in their procedures, and which open the institution to the media.

Previous research has found that IPIs suffer from a lack of media attention. Indeed, as the nation state remains the primary reference point for politics, media find it easier to attract public interest by focusing on national affairs and actions. Concurrently, some international organizations lack clear mandates and decision making powers and the same goes for their legislative assemblies. Hence, regional media do not have many reasons to invest human and financial resources to following stories of low impact. However, in some instances the lack of transparency is not a necessity but rather an outcome of choices by the actors involved. Ways of moving out of such impasses have to be examined.

5. Democracy support

Democracy support in this context has a clear international reference and corresponds to measures taken by parliaments towards democratic capacity building in member states or across a region. The task is not foreign to national parliaments, whose committees are sometimes involved in capacity building programs abroad. Nonetheless, it is obvious that IPIs in light of their transnational character and reach have a greater role to play in promoting democracy internationally (via standard-setting, advocacy, capacity building, training, electoral monitoring, reporting, etc.). Indeed, in regions where democratic norms and rules are not well established IPIs – as representative democratic institutions par excellence – aim to act as beacons of good democratic practice and reference points for democratic activists in member states. Naturally, the

degree to which they can perform this task varies according to financial resources and the maturity of democracy (or lack thereof) in member states.

Overall, while there is no justification for complacency – analytical or practical – the difficulties in establishing international assemblies have to be recognized. Social research has to be aware of the complications associated with international representative democracy in order to make tempered judgments and more balanced policy recommendations.

III. DEMOCRACY À GÉOMÉTRIE VARIABLE

This investigation involves a presentation of case studies leading to a concluding comparative overview of the strengths and weaknesses of the IPIs discussed. In order to attain the stated goals the research was based on qualitative methods, a systematic literature review that also included various official and policy documents (constitutive protocols and treaties, internal organization rules, etc.). These were coupled with a series of interviews conducted with parliamentarians of the abovementioned IPIs or members of their permanent administration, representatives of civil society and experts. Each case study includes a brief overview of the organization in question.

1. The European Parliament (EP)

The EU traces its origins from the European Coal and Steel Community (ECSC) and the European Economic Community (EEC), formed by France, West-Germany, Italy and the Benelux countries in 1951 and 1958 respectively. According to the Treaty of Rome which created the EEC (1957) the aims of the Economic Community were: The establishment of a common market, to progressively approximate

the economic policies of Member States, increase stability and raise the standard of living, and promote closer relations between the Member States. Since the 1950s the EC/EU has undergone a constant process of mutation which has led to a strengthening of its supranational elements and to the expansion of areas of cooperation between its member states. Hence, currently, the EU has exclusive control over the customs union, competition rules for the functioning of the internal market, the conservation of marine biological resources under the common fisheries policy, the common monetary policy of the Euro area and the common commercial policy⁵.

Key to the development of the EC/EU in terms of propelling integration was the adoption of the Single European Act (SEA) in 1986 under the leadership of former European Commission President Jacques Delors. The SEA mentioned for the first time the formation of a European Union as an objective and also established 1992 as a deadline for the consolidation of a single market in the European Community. At the same time SEA modified the institutional system, providing for a more powerful European Parliament in the decision-making process and for majority voting in the Council of Ministers. Following these innovations, the Treaty of Maastricht (1992) formally established the European Union and spelled out a concrete timetable and conditions for the attainment of an economic and monetary union (EMU).

⁵ The EU and the Member States share competences in the following areas: internal market (also the non-EU member states of Iceland, Norway, Liechtenstein and Switzerland participate in the single market but not in the customs union); social policy (limited to the aspects defined in the Treaty); economic, social and territorial cohesion; agriculture and fisheries; environment; consumer protection; transport; trans-European networks; energy and in the area of freedom, security and justice. The Member States have primary responsibility in fields such as the protection and improvement of human health, industry, culture, tourism, education, youth, sport and vocational training, civil protection (disaster prevention), administrative cooperation, health, education and industry.

Recently, the Treaty of Lisbon (2009) put an end to several years of negotiations following the ‘big-bang’ enlargement of 2004⁶, and further bolstered the integration process. Among other things, the Treaty of Lisbon extended qualified majority voting (QMV) in the Council to new policy areas⁷, created the post of President of the European Council (elected for two and a half years) and introduced a link between the election of the Commission President and the results of the European elections⁸.

In terms of institutional architecture the EU comprises the following bodies: the European Council, the Council of Ministers, the European Commission, the European Parliament, the European Court of Justice, the European Court of Auditors.

The European Council brings together the Heads of State or Government of the member states and the President of the Commission and usually meets four times a year in Brussels. It defines the EU’s policy agenda, its priorities and general political guidelines and is involved in the negotiation of treaties. Under the Lisbon Treaty, the European Council has become a full EU institution and its role is clearly defined. The Council of the European Union (also called the Council of Ministers) is made up of 28 government ministers representing each of the Member States. It is a key decision-making body that coordinates the EU’s economic policies and plays a central role in foreign and security policy. It shares lawmaking and budgetary powers with the European Parliament. A new development under the Treaty of Lisbon is that the Council of Foreign Ministers is chaired by the High Representative of the Union for Foreign and Security Policy/Vice-President of the Commission.

6 Addition of ten new member states Poland, Czech Republic, Slovakia, Hungary, Slovenia, Cyprus, Malta, Estonia, Latvia, Lithuania.

7 From 2014 on, the calculation of qualified majority will be based on the double majority of Member States and people, thus representing the dual legitimacy of the Union. A double majority will be achieved when a decision is taken by 55% of the Member States representing at least 65% of the Union’s population

8 <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty.html>

The European Commission is the executive and administrative organ. It is supposed to represent the interests of the EU as a whole and it is the only EU institution with the general power to initiate legislative proposals. It also oversees the execution of laws and the implementation of Treaties, manages EU programmes and represents the EU in international negotiations. The Commission is accountable to the European Parliament and consists of 28 members, one from each country. The Court of Justice represents the judicial branch of the EU, consisting of three courts seated in Luxembourg: the Court of Justice, the General Court (previously known as “the Court of First Instance”) and the EU Civil Service Tribunal. The Court of Justice is composed of 28 judges, one judge from each member state, assisted by eight advocates-general, all appointed for renewable six-year terms. This court deals primarily with cases taken by member states, the institutions and cases referred to it by the courts of member states. It can judge member states under EU law. Finally, the European Court of Auditors has the right to check (‘audit’) any person or organisation handling EU funds. Importantly, it presents the European Parliament and the Council with an annual report on the previous financial year (the ‘annual discharge’).



Miguel Angel Martinez Martinez, MEP and Vice-president of the European Parliament

Democracy in the EU has been an issue of concern for many decades; the ‘democratic deficit of the EU’ becoming a buzzword amongst political protagonists, analysts and civil society actors⁹. (Duff, 2012; Bonvicini, 2009). Attempts to counter these democratic anxieties have for the better part centred on the European Parliament and its powers as a representative assembly. The Parliament was established in 1952 as the Common Assembly of the European Coal and Steel Community (from 1958 it became the EC Common Assembly). However, initially it had only a consultative status and operated mostly as a talking shop, drawing its members from national parliaments. A landmark in its development were the first direct European elections that took place in 1979. Since that date the powers of the EP have continued to grow; largely as a result of its own proactive engagement with the process of treaty reform (Burns, 2013: 160; Rittberger, 2003). Hence, from a meek and ineffectual institution the EP has managed to become a relatively strong assembly whose competencies can be compared to those of national parliaments (Rittberger, 2012; Costa, 2009).

The main steps in the transformation of the EP were listed by Corbett, Jacobs and Shackleton (2003: 354) as follows:

“The budget Treaties 1970, 1975; the introduction of direct elections; the 1980 Isoglucose ruling of the European Court of Justice¹⁰ giving Parliament a de facto delaying power; the SEA in 1986, introducing the cooperation procedure and the assent procedure

9 It has its own entry in Wikipedia http://en.wikipedia.org/wiki/Democratic_deficit_in_the_European_Union.

10 The so-called ‘isoglucose’ case was the subject of an important ruling by the European Court of Justice (ECJ) in 1980, which confirmed that the European Parliament played an indispensable part in the EC legislative process, even before the institution was granted any formal power to influence the contents of draft laws. The ruling (Roquette Frères v Council, Case 138/79) made it clear that, in areas where the Parliament was to be consulted by the Council of Ministers, the latter institution could not simply adopt the legal act in question in the absence of an opinion from the former. (Source: Penguin Companion to European Union (2012), http://penguincompaniontoeu.com/additional_entries/isoglucose-case/).

and giving Parliament the right to allow or not the Commission as a whole to take office through a vote of confidence; and the Treaty of Amsterdam which greatly extended the scope of co-decision, modified to the EP’s advantage and gave the EP the right to confirm or reject a designated President of the Commission.”

This process was further reinforced with the Lisbon Treaty, which gave the EP greater powers in terms of legislation, budgetary control and the signing of international agreements by the EU. The Lisbon Treaty brought over 40 new fields within the ordinary legislative procedure¹¹, under which Parliament has equal rights with the Council. These areas include agriculture, energy security, immigration, justice and home affairs, health and structural funds. Thus, currently for the greater part of EU legislation, the EP has acquired an equal standing (co-legislator) with the Council of Ministers via the OLP.

However, it needs to be noted that MEPs have time and again utilized all ‘weapons’ at their disposal (normative or institutional) in order to increase the powers of the parliament. For MEPs the most worrisome gap in the institutional status quo was the lack of decision making power that the member states accorded the EP. As a result they were always active in challenging treaty based formal institutional rules and have attempted, with occasional success,

11 The ordinary legislative procedure is set out in article 294 of the TFEU and is conducted as follows: First reading: The Commission submits the legislative proposal to the Council and the European Parliament. Both institutions conduct the first reading – which is without time-limits – and if the Council approves the EP’s position at first reading, the legislative act is adopted. Second reading: If the Council rejects the EP’s position, it adopts its position at first reading and submits it to the EP for a second reading. If the EP approves this position, the legislative act is adopted. In the event of rejection, the dossier may be resumed only on the basis of a new proposal from the Commission. If the EP proposes amendments to the Council’s position, the Council’s second reading is conducted. If all the amendments are approved, the act is adopted; in the event of rejection, the Conciliation Committee is convened. Conciliation: The representatives of the EP, the Council and the Commission have six weeks to reach an agreement and approve the joint text. (Source: Council of the European Union <http://www.consilium.europa.eu/policies/ordinary-legislative-procedure/guide-to-procedure?lang=en>)

to impose their interpretation of treaty rules onto Member States and the Commission (Rittberger, 2012: 28; Heritier, 2007; Hix, 2002). The EP has repeatedly made the most of its powers, stretching their definition and pushing in every Treaty reform for an enlarged role (Burns, 2013: 165; Bache, George and Bulmer, 2011: 296).

This campaign gained further impetus after the introduction and extension of QMV in the Council – especially since national parliaments had very little input in the integration process. European leaders, who in general share a core commitment to liberal parliamentary democracy, found it increasingly difficult to reject calls for a stronger EP (Rittberger and Schimmelfennig, 2006). It was thus this combination of proactiveness on the part of MEPs with a desire to move beyond strict intergovernmentalism as manifested by the extension of QMV and the belief in the virtues of parliamentarianism which enabled the growth of the EP.

A. Representativeness and accountability

Direct elections guarantee that the EP is by far the most successful IPI in terms of representativeness and accountability; a fact reflected in the EP's status as the most recognizable (90% of Europeans know it) and popular (40% trust it) EU institution (Eurobarometer, 2012: 82-83). Elections to the EP are held every five years (the next one in 2014). Nonetheless, there is no uniform electoral system and as a consequence European elections effectively involve twenty eight (from 2014) separate national elections taking place on the same dates.

Elected MEPs sit according to political lines and not national delegations something which over the years has fostered greater supranationalism in their voting behaviour. Indeed, studies have found that as a general rule MEPs behave ideologically (Hix et al., 2007) and that their behaviour is becoming more cohesive as the powers of the EP grow (Kreppel,

2002). There are currently seven transnational political groupings¹² and some independent MEPs. However, despite the supranational elements in representation and voting patterns, it is national parties that organize European elections. Thus, candidates do not seek (re)election as members of the European groups but as members of their national parties. The situation has obvious demerits for pan-European politics and contributes little to increasing representativeness and accountability in the EP – and arguably interest for it.

The allocation of posts within the EP is determined by group size and within groups by the size of each national delegation. The most important positions within the assembly are: the President the Vice-Presidents and the Committee chairs. The latter role is important because the committees are the locus of the vast majority of legislative work and play a key role in holding the European Commission accountable. In the 2009-14 Parliament there were twenty-two standing committees. The parties in the Parliament hold patronage over the committees thus playing an important role in deciding who acts as a key agent in the inter-institutional relations (Burns, 2013: 166). Once committees have crafted their reports they are subject to amendment and adoption by the EP's Plenary (typically in Strasbourg). During the Plenary, MEPs vote on the various reports and motions for resolution and adopt amendments to legislation. The MEPs must secure the support of a majority, which requires cooperation between the political parties because no party has thus far been able to muster an absolute majority of seats.

12 The European People's Party; the Progressive Alliance of Socialists and Democrats; the Alliance of Liberals and Democrats for Europe; The Greens-European Free Alliance; European Conservatives and Reformists; Europe of Freedom and Democracy; European United Left-Nordic Green Left.

B. Legislative powers

In legislative matters, the EP has made great strides since its early days. The first major increase in its capacity to amend laws took place in 1986 with the introduction of the cooperation procedure provided by the Single European Act. Under the cooperation procedure, the EP gained a second reading of legislation and a conditional right of veto (which however meant that eventually the Council could overrun the veto if it had the unanimous consent of its members) (Burns, 2013: 163). The Maastricht Treaty brought a new increase of the EP's powers with the introduction of the co-decision procedure, which was renamed the ordinary legislative procedure (OLP) under the Lisbon Treaty (the cooperation procedure was abolished) (Burns, 2013: 164). The OLP today covers eighty-five policy areas and via the OLP the EP has been able to significantly influence legislation (for example in environmental standards, promoting civil liberties and consumer rights)¹³. However, it needs to be noted that most agreements between the EP and the Council are concluded at first reading following informal negotiations involving a handful of people from the three major institutions (trilogues).

Under the co-decision procedure, a Parliamentary report prepares Parliament's position. Drawn up by an MEP chosen from within the competent Parliamentary committee (the "rapporteur"), it basically contains suggested amendments and a statement of reasons explaining the proposed amendments. The rapporteurs play an important role in drafting the position of the EP and dominate negotiations with the representatives from the Council and the Commission. Hence, in response to

¹³ There are two more decision making procedures: consultation and consent. Consultation means that the Council has to seek the opinion of EP but it can ignore it and make the final decision by itself (by unanimity). The consent procedure applies mainly in agreements with non member states (including accession of new members), plus some aspects of judicial cooperation as well as the multi-annual financial framework for the EU budget. Consent requires the EP's agreement for a measure to be adopted. There is no provision for the EP to amend proposals.

concerns about the transparency of these interactions the EP has adopted new internal rules that aim to guarantee that 'shadow rapporteurs' (from different political groups) play an important role in preparing and negotiating the report and that the negotiating team acts on the basis of a mandate agreed within the relevant parliamentary committee (Burns, 2013: 164; Interviews Leinen, 2013; Duff, 2013).

C. Oversight, scrutiny, control

In the area of oversight, control and scrutiny the EP has always enjoyed the right to dismiss the whole Commission. Although it has never exercised this right, it did come close in 1999 when the entire Santer commission resigned (over a corruption scandal) in order to avoid a vote of censure from the EP (Burns, 2013: 162). Formal recognition of the EP's right to appoint the Commission came with the Treaties of Maastricht and Amsterdam which gave the EP a right to veto the Commission President-designate and the whole team of Commissioners. In an attempt to increase control of the EP over the executive, the Lisbon Treaty dictates that the Council takes into account the outcome of the European elections and consults with party leaders within the EP before it nominates a candidate for Commission President. The candidate is then elected with an absolute majority of all MEPs.

Concerning scrutiny, the EP's powers are more limited. It can invite Commissioners, Commission officials and Council representatives to Committee meetings to explain and justify decisions. The Commission also submits its annual work programme to the EP and the EP can ask the Commission written and oral questions. However, with respect to the European Council and the Council of Ministers its powers are weak. It can table written and oral questions about the activities of the Council of Ministers, and the Foreign Minister of the state holding the presidency reports to the EP at the beginning and end of the Presidency. For the European Council, the Lisbon

Treaty (Article 15 Treaty on European Union (TEU)) formalized the practice whereby the EP is given a report following each European Council meeting. The President of the EP is invited to the start of the European Council sessions 'to be heard' (Article 235 Treaty on the Functioning of the European Union (TFEU)) but does not participate in its meeting after this opening opportunity to make a contribution (Bache, George and Bulmer, 2011: 295).

On the other hand, the EP enjoys considerable powers in terms of budget control. The first significant increase in powers took place in 1975 (Budget Treaties). This allowed the EP to reject the draft budgets of 1979 and 1984, while in 1985 it adopted a Budget that went over the limit that had been agreed by the Council and Commission. Importantly, under the Treaty of Lisbon the distinction between compulsory and non-compulsory expenditure has been removed thus extending the EP's scope to amend the Budget across all areas¹⁴ (Rittberger, 2003). Furthermore, the Treaty of Lisbon states that the Multiannual Financial Framework of the European Union (the seven year plan that regulates the annual budgets) can only be adopted after a unanimous decision by the Council and – importantly – the consent of the EP by the majority of its component members.

D. Transparency

The EP is a fairly transparent institution. Plenary sessions are open to the public and can be watched online via the EP's website (EP TV). Committee meetings are also open and can be watched online. The EP gives access to opinions, reports and amendments and also draft versions of these documents – it also provides access to debates at the plenary. The EP has also established the Parliamentarium (2011), an information centre that

¹⁴ Compulsory items were those following directly from Community legal acts (agriculture or spending related to international agreements), while non-compulsory don't follow directly from Community legal acts (such as administrative expenses). The EP's joint-budgetary authority status (also involving compulsory items) was granted in 1986.

introduces visitors to the history and the functioning of the assembly.

Nonetheless, the main area of concern in this area pertains to the role of lobbies and their degree of influence over EU legislation. While the input of stakeholders and their representatives is indeed necessary for the improvement of laws (especially very technical ones), the fact remains that lobbying can create a situation whereby the richer and more institutionally-savvy interests exercise a disproportionate influence over EU laws. The number of EP related lobbies has increased significantly in the last decades, a development which attests to the EP's growing importance¹⁵. The EP had its own register for interest representation since 1996 but greater steps towards addressing transparency anxieties were made in 2011 when the European Commission merged its register with that of the EP into the Joint Transparency register.



Stephen Kingah (UNU-CRIS)

Despite the fact that lobbying at the EP is arguably more transparent than in many European national parliaments (Interviews Nickel, 2013; European Council Official, 2013), it has become evident that the latest initiative has not been enough. The register remains voluntary and offers a less than full image of the actors involved and the scope of lobbying. According to a recent report, over 100 major companies known to be lobbying EU officials

¹⁵ Overall, there are between 15.000 and 30.000 lobbyists working in Brussels. <http://www.dw.de/brussels-suffers-from-lobbying-excess/a-16220563>.

are missing from the register. (ALTER-EU, 2013). Top banks are also missing¹⁶, while information provided in the register often misrepresents the actual amount of money spent by key actors. These weaknesses of the Joint Transparency initiative contribute little to the EU's attempts to alter a long standing public perception of its institutions as elitist, overly technocratic and at times corrupt.

Media coverage of the EP remains scarce at the national level. At the same time pan-European media (Euronews, European Voice) have failed to attract wide audiences. The EP and the EU in general struggle to reach audiences in member states since political debates largely involve national issues. Nonetheless, there is convincing evidence of an increase in the volume of coverage of European affairs by national media (Risse, 2010; Statham & Trezn, 2012; Koopmans & Statham, 2010). Indeed many experts argue that a sort of European public sphere, albeit fragmented and at times elitist is emerging (Papanagnou, 2013; Koopmans & Statham, 2010; Risse, 2010). Pan-European media and investigative outlets¹⁷ do scrutinize the work of MEPs and Commissioners, with national media also contributing from time to time. Hence, the evidence points to the conclusion that despite the fact that MEPs remain unknown to the greater part of European voters, they are under a good deal of scrutiny.

E. Democracy support

The EP has developed vital competencies in terms of democracy promotion. Under Article 49 of the TEU the Council has to seek the approval of the EP (and consult with the EC) before it opens accession negotiations with a country. Equally, in order for the Council to close the accession process (signing of the

16 Banks that were missing were Banco Santander, BBVA Group, Belfius (formerly Dexia), la Caixa, Erste Group Bank, Goldman Sachs, HSBC, Nomura, Nordea, Rabobank, Royal Bank of Scotland, Swedbank and UBS.

17 Also <http://www.votewatch.eu/>.

Accession Treaty) it has to receive the favourable opinion of the Commission and the assent of the EP. Applying countries have to conform to the Copenhagen criteria, which include democratic governance and the respect of human rights. Hence, the EP has a role to play in the evaluation of a country's democratic efforts, which is complemented by the assembly's resolutions and declarations¹⁸.

The EP Committees that mostly deal with democratic issues are the Foreign Affairs Committee, including the Human Rights Subcommittee (which give the Sakharov Prize for Freedom of Thought), the Constitutional Affairs Committee and the Civil Liberties Committee. The Constitutional Affairs Committee deals with the institutional aspects of the European integration process. In particular, among other things it deals with the implementation of the EU Treaty and the assessment of its operation; the institutional consequences of enlargement negotiations of the Union; uniform electoral procedure; political parties at European level, etc.

The Foreign Affairs Committee is responsible for the common foreign and security policy (CFSP) and the European security and defense policy (ESDP); relations with other EU institutions and bodies, the UN and other international organizations and interparliamentary assemblies for matters falling under its responsibility; the opening, monitoring and concluding of negotiations concerning the accession of European States to the Union; issues concerning human rights, the protection of minorities and the promotion of democratic values in third countries.

Finally, the Civil Liberties, Justice and Home affairs Committee also deals with aspects of democracy including protection the Union of citizens' rights, human rights and fundamental rights, the protection of minorities, as laid down in the Treaties and in the Charter of Fundamental Rights of the European

18 As for example in the case of Turkey <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P7-RC-2013-0305+0+DOC+XML+V0//EN>.

Union; and the measures needed to combat all forms of discrimination other than those based on sex or those occurring at the workplace and in the labor market.

Furthermore, the EP has its own Office for the Promotion of Parliamentary Democracy (OPPD), which contributes to building the institutional and administrative capacity of parliaments of new and emerging democracies (NED). The OPPD acts on the initiative of NED parliaments and provides technical assistance in: strengthening the principal functions of parliaments; setting up parliamentary organisations; implementing administrative and institutional reform; initiating inter-parliamentary legislative cooperation and sharing of best practices; and developing information and communication (ICT) strategies and e-democracy projects. The OPPD cooperates with parliaments in the European Union (EU), (sub)regional parliaments, parliamentary associations and international organisations active in the field of parliamentary development (Interview OPPD Official, 2013).

The EP also takes part in election observation missions, which aim at strengthening the legitimacy of national electoral processes in third countries (Interview European Commission Official 2, 2013). The European Parliament Election Coordination Group was established in 2001 and updated in 2009. Its powers and mandate were further increased in 2012 when it was renamed the Democracy Support and Election Coordination Group (DEG). The reports and recommendations of the observation missions are made public during a press conference that takes place at the host-country and are then handed over to national authorities (Interview European Commission Official 2, 2013). Additionally, the relevant committees and delegations of the EP make use of the findings in order to monitor follow up actions by governments (Interview European Commission Official 2, 2013). MEPs also take part in EU-led inter-regional parliamentary assemblies

like EURONEST (Eastern Partnership), EUROLAT (Latin America), EUROMED (Euro-Mediterranean partnership with Mashriq and Maghreb countries) and the ACP-EU Joint Parliamentary Assembly which also act as fora for democracy discussion, networking and learning. Indeed, the EP in the last years has amplified its diplomatic actions (Malamud and Stavridis, 2011; Stavridis and Ajenjo, 2010).

Finally, members of the EP participate in the board of governors of the newly established European Endowment for Democracy (EED). The EED is an independent institution established with support from the EC and EU member states, whose objective is to foster and encourage democratization in countries facing democratic challenges, with initial, although not exclusive focus, on the European Neighborhood. The aim of the EED is to reach actors that have heretofore received less attention. Thus, the direct beneficiaries of the Endowment's activities may include: pro-democratic movements and other actors in favor of a pluralistic multiparty system; civil society organizations; independent media and journalists (including bloggers, social media activists, etc), foundations and educational institutions. The provision is that all the beneficiaries adhere to core democratic values, respect international human rights standards and subscribe to principles of non-violence.

The efforts of the EP in terms of democracy support are significant and the sums spent on actions and programs are substantial (Interviews European Commission Official 2, 2013; OPPD Official, 2013). Via the OPPD and the election observation missions the EP is heavily invested in actions with tangible outcomes. In this respect the EP is the clear leader amongst IPIs. Nonetheless, the EP's work is for the greater part devoted to electoral issues and the spread of parliamentary good practices. Thus, its actions in this domain seem to follow a rather formalistic understanding of democracy (Contogeorgis, 2010a; 2010b) which centers on the utilization of official

channels of interaction with governments and officials from partner countries. This however places clear limits to alternative opportunities for deeper engagement in democracy support. Of course, this paper does not advocate the blind multiplication of the EP's support actions. Conceptual 'fuzziness' and disjointed institutional action are hardly a recipe for success (Wetzel and Orbie, 2012; Kurki, 2012). Rather, the study finds that the EP's involvement in the EED can potentially serve as basis for a more pluralistic approach. The (independent) EED was created with the explicit purpose of making democracy support measures more flexible and more inclusive of local civil society after the events of the Arab Spring (Kurki, 2012). Hence, it will be up to the EP's members and relevant Committees to profit from their interaction with the EED in terms of a broader democracy promotion agenda.

Strengthening democracy in the EP

The previous discussion points to the conclusion that in many ways the EP is a fully-developed, democratic legislative assembly. It seems to have entered – especially after the Lisbon Treaty – a more mature phase in its development and it now possesses a wide array of powers that it exercises with some success. Its clout within the EU policy making triangle (EC, EP and the Council of Ministers) has undeniably grown. Nonetheless, it becomes equally obvious that this process has in no way reached an end. The EP would stand to gain from further democratic reforms and improvements. In more detail, according to our analysis one could make the case for innovative reforms in the areas of representativeness and accountability, executive control and transparency.

In terms of increasing representativeness and accountability, but also arguably public awareness and interest, the EP can profit from the introduction of transnational electoral lists organized directly by the European parties (Interviews Duff, 2013; Leinen,

2013). The MEPs thus elected would supplement those elected by the national parties. Additionally, the voting system for these pan-European seats could be the same in all countries, thus countering the impression that European elections are just second order national elections¹⁹. Finally, the MEPs thus elected would be directly accountable to a truly trans-European electoral body thus further shoring up the emerging European public sphere.

Concerning control over the executive, the election of the EC's President by the EP can become entirely direct – without the intervening role of the European Council²⁰ – and more pronounced, with the potential President capable of building a parliamentary majority on the basis of a political project (Interviews EP Official, 2013; Duff, 2013). The personalization of the campaign with European parties fielding their own candidates is a step in the right direction, but further politicization of the electoral process is a necessity. For example the candidates could participate in presidential debates broadcasted simultaneously in all EU countries. Also, to this purpose the synthesis of the Commission could reflect the political coalition supporting the new executive – with its members also coming from the ranks of MEPs (Interviews Costa, 2013; Leinen, 2013). Such a direct relation between the EC and the EP would remove anxieties over the EP's formal lack of the right to initiate legislation, which is expressed by a number of MEPs (Interviews Bearder, 2013; Zimmer, 2013; Leinen, 2013). What the EP would lose in independence it would gain in increased political relevance. Additionally, such a development would reduce the overly technocratic image of the European Commission and the counterproductive impression that its political decisions (regulations, directives, etc.) are value and debate free (Fischer, 2009).

¹⁹ This was already proposed by MEP Andrew Duff acting as rapporteur of the Constitutional Affairs committee in 2011. The proposal was rejected by the Plenary.

²⁰ According to the Lisbon Treaty in 2014 the European Council will take in mind the election results before it nominates a candidate.

Similarly, if the EP were to have a more direct connection to the Commission, the decision making tandem thus formed would be able to act as a counter-balance to the powers of the European Council (and by extension to those of the Council of Ministers). While in principle the democratically elected leaders in the European Council represent their countries, the fact remains that their margins for action are quite substantial. Defining the national interest is not a straight forward affair (Stone, 2001), and many definitions adopted by the different leaders are not supported by electoral majorities 'back home'. A democratically strong tandem of the two supranational entities would thus help address the democratic lacunas created by strict intergovernmentalism.

Finally, the EP (together with the EC) will have to address issues of transparency. Despite its significant achievements, the fact remains that the Joint Transparency register underperforms. Thus, in order for the EP (and the EC) to convince European citizens that the EU institutions are not far removed and complacent bureaucracies these issues will have to be addressed head on – e.g. by making the register compulsory (Interview Duff, 2013).

Overall, the guiding vision for the EP should be for the assembly to become a more explicit locus of European politics and authority. This is even more pressing in the current political and economic conjuncture. As Rose cogently argues, since the EU institutions are to become visible partners in the annual debate about national budgets – European semester, Two Pack, Fiscal Compact – (Rose, 2013: 31, 74. Also Interview European Commission Official 1, 2013) it becomes apparent that a greater degree of EP control over the EC is a necessity. The EP performs very well in carrying out its legislative duties and is a vital cog in the EU's complex checks and balances system. However, no matter how strong the parliament is in terms of amending laws what the dramatic events brought about by the debt crisis made clear is that for

the greater part decisive political negotiations and decisions are taken at the European Council. Thus, if the EP is to increase its democratic power, European politics would have to revolve around the Parliament leading to a process of increased politicization with a real impact on the Commission.

2. *The Legislative Assembly of the East African Community (EALA)*

Aspirations for greater regional cooperation in the region of East Africa have a relatively long history. Various attempts were made during the 20th century. A previous effort to forge the EAC was established in 1967 and dissolved in 1977 following tensions between former presidents Julius Nyerere of Tanzania and Idi Amin of Uganda. More recently, the Treaty establishing the EAC was signed by Presidents Moi (Kenya), Museveni (Uganda) and Mkapa (Tanzania) on 30th November 1999. The Treaty came into effect on 7th July 2000 and set as its objectives: the development of policies and programs aimed at widening and deepening cooperation; the establishment of a customs union, a common market, a monetary union and ultimately a political federation. According to Adar (2013; 2005: 37-39) the treaty has neo-functionalistic characteristics. It empowers the Community to broaden cooperation and envisages this in an incrementalist fashion involving different stages.

There are seven organs of the EAC established under Article 9 of the Treaty. The Summit of Heads of State or Government, the Council of Ministers, the Coordination Committee, the Sectoral Committee and the Secretariat share executive powers. The East African Court of Justice (EACJ) and the EALA perform the judiciary and legislative functions respectively (Kamala, 2006: 8).

The Summit is composed of the Heads of State or Government and holds its meeting once a year. Decisions are arrived at through consensus. The Summit reviews progress towards the creation of a political federation, considers and approves annual reports, assents to Bills of the EALA, which then become Acts of the Community and shares legislative functions with EALA.

The Council is the main policy organ of the EAC. It comprises the Ministers who are in charge of regional cooperation in each of the member states and meets twice a year. It directly reports and advises the Summit on the implementation and development of the EAC objectives. The Secretariat is the executive organ of the EAC responsible for the operations of the Community in conformity with the Treaty. The Secretary-General is the EAC's principal executive officer appointed by the Summit on a fixed five year rotational basis. He is at the same time EAC's accounting officer and secretary of the Summit. The EACJ is responsible for ensuring adherence to the application of the Treaty. It comprises two judges from each member state that are appointed for a maximum of seven years by the Summit. Partner states as well as legal and natural persons have the right to seek redress on the grounds of the infringement of the EAC treaty by a member state.

The Legislative Assembly (EALA) was established by chapter 9 of the Treaty of the EAC (1999) and had its first sitting in Arusha, Tanzania on November 29, 2001. The assembly comprises nine members elected by each partner state's parliament but not amongst its members. The EALA representatives hold office for five years and are eligible for re-election once for a further term of five years. According to article 49 of chapter 9 of the Treaty, the assembly debates and approves the budget of the Community, considers annual reports on the activities of the Community, annual audit reports of the Audit Commission and other reports referred to it by the Council. It also makes recommendations to the Council for the

implementation of the Treaty and makes its own rules of procedure and those of its Committees. The EALA is organized in seven standing Committees: Accounts Committee; Legal, Rules and Privileges Committee; Communication, Trade and Investment Committee; EALA Commission; Agriculture, Tourism and Natural Resources Committee; Committee on Regional Affairs and Conflict Resolution; General Purpose Committee.

A. Representativeness and accountability

In terms of representativeness the fact that Parliamentarians are proposed by political parties – or the leaders of partner states – and elected by national parliaments is a major hindrance. It is obvious that representatives are not directly accountable to the people but rather to the political groups and communities to which they owe electoral allegiance. At the same time, it becomes evident that this mode of electing EALA's members allows for the easier exclusion of dissenting and/or critical voices. However, with regard to gender member states have made progress as nineteen out of the forty-five elected delegates are women²¹. Additionally, even though Parliamentarians do sit according to national representations and not ideological lines, compromises that go beyond national divides can be found. This becomes clearer when it comes to the promotion of federalism across the region, which EALA is often at the forefront of (Interview A. Mwinyi, 2013).

B. Legislative powers

The EALA is the sole regional parliament in Africa with legislative powers worth mentioning (Interview with A. Mwinyi 2013; Salih, 2013: 150). EALA enjoys full powers when it comes to legislation initiation. Any member can initiate Bills, which are then submitted to the Summit for approval. Crucially,

²¹ Four for each of the following delegations: Kenya, Uganda, Rwanda and Tanzania; the Burundi one has three. Also the current speaker of EALA (2012-2017) is Margaret Nantongo Zziwa from Uganda.

decisions in the Assembly are guided by a majority vote of those present and voting. However, it is only after the Bills have been accepted by the Heads of State that they become acts of the EAC, a fact which evidently puts limits to the powers of the assembly. A Bill that has not received assent within three months from the date on which it was passed by the Assembly is referred back to the Assembly with the request that the latter reconsiders it (EAC Treaty Article 63). If the Bill is not accepted a second time by the Summit then it lapses. While the Summit's powers limit those of the EALA, it has to be noted that only once has such a procedure been used. The Bill in question after having been rejected by the Summit was later amended by the Parliament and was finally passed (Interview with A. Mwinyi, 2013). The fact that the Heads of State have to provide reasons for withholding assent on a Bill is a tool – even though of limited force – for the Assembly to reinforce its authority. Diplomatically Heads of State do not want to be seen as a hindrance to the integration process. The Assembly's Bills that become Acts of the EAC supersede national legislation in the fields pertinent to integration. However, this ought not to be taken as proof of significant influence since there is a gap in the actual implementation of the laws. The EALA itself has no powers to enforce implementation other than make relevant recommendation or pleas to the Council of Ministers.

C. Oversight, scrutiny, control

In terms of oversight, the Assembly may request the Council to submit to its proposals on EAC matters, as it has done over the years (Terlinden, 2004: 7). The Council is obliged to publish a general report on the activities of the Community annually and present it at meetings of the Assembly. The Assembly may by majority vote request the Council to submit any appropriate proposals on matters it considers necessary for the purpose of implementing the Treaty. It can also hold an annual debate on the report of the Council on progress made in the development

of common foreign and security policies (EAC Treaty Article 59). Finally, the EALA also has some limited power in terms of budgetary control since it can debate the budget but cannot revise it. In general, the fact that the Summit retains sweeping powers vis-a-vis the rest of the organs (EAC Treaty Article 2) serves as testament to the inter-governmental character of the organization and places clear limits on the democratic functioning of the legislative branch (Interview Mustaq, 2013).

D. Transparency

Concerning transparency and openness EALA has made progress but is still exhibiting deficiencies. Plenary and standing committee sessions are open to the media. However, the latter may take place behind closed doors if the members consider that the matters for discussion are sensitive and/or require privacy (Interview A. Mwinyi, 2013). Naturally, what counts as sensitive may give rise to various interpretations. On the other hand, acts, resolutions, reports and other documents can be found on EALA's website. The Parliament equally has a system of rotational sittings (it sits in every partner state at least once in a year) which aims to bring the organ closer to the peoples of the region. The sittings take place at the national parliaments and the deliberations are broadcast live on television. In terms of media and public awareness, however, levels are very low (Interview Labosa, 2013). Indeed, citizens for the better part are unaware that they can directly petition the EALA in relation to integration matters. EALA does not feature much in radio programs, which constitute a good way of reaching people in East Africa (Interview A. Mwinyi, 2013). Moreover, deliberations are in English, a fact that also discourages many people from following them, especially since the newest members Burundi and Rwanda are French speaking countries (Interview Kagoro, 2013)²². Similarly, it has to try to utilize Swahili in order to reach out to greater number of citizens.

22 The official language of EALA is English.

E. Democracy support

In terms of democracy support the EALA has limited resources. One of the criteria for becoming a member of the EAC is adherence to the principles of rule of law and democracy. EALA members do participate in election supervision missions and report back to the parliament. At the same time, members of its Legal, Rules and Privileges Committee review partner states' institutions (covering aspects of democracy, rule of law, good governance, corruption, etc.) and compile a report. In executing their investigation, committee members meet with (among others) the local Ombudsman, Directorates of Public Prosecutions, the Human Rights Commissions, Courts of law, Auditor General's offices, the Electoral Commissions, the Ministries of EAC Affairs, the Police, Civil Society Organizations, the Equal Opportunities Commissions, the Law Reform Commissions, the Ministries of Justice, National Assemblies, and the EAC Deputy Secretary General. The outcome of this process is the publication of a report which highlights best practices and areas of concern and makes recommendations. Parliamentarians urge national authorities to emulate best practices but indeed do not possess any enforcing power. Moreover, the accent of reports is mostly placed on best practices and not so much on elaborating on problems and political matters (Communication Munu, 2013; EALA, 2012).

To these obstacles one has to add the penury of financial resources (Kingah and Cofelice, 2012) and the general political climate in the region which at times hinders attempts at greater democratization. In terms of finances, in 2005 it was reported that the EALA had significant financial problems and it was in danger of discontinuing its work if member states did not pay their dues (Sabic, 2013: 35)²³. Securing stable and significant sources of funding is a constant concern for members of the parliament (Interview

²³ Crucial for the development of EALA has been the financial and technical assistance of the Association of European Parliamentarians with Africa (AWEPA).

with A. Mwinyi; Kingah and Cofelice, 2012) in order to avoid heavy reliance on donors. At the same time, the EALA has to operate in an often adverse democratic environment. Elections in Burundi and Rwanda in 2010 as well as those in Uganda in 2011 were marred by controversy and allegations of electoral fraud and political violence. Also the Parliament was not able to deal with the violence and governance deficit that followed Kenya's 2007 elections or with President Museveni's amendment to the constitution of Uganda in 2005 which enabled him to secure a third and fourth term in office in 2006 and 2011.



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3. Parliament of the MERCOSUR (PARLASUR)

MERCOSUR (the Common Market of the South) is an integration scheme formed by Argentina, Brazil, Paraguay and Uruguay, which came into existence on 26th March 1991 with the signing of the Treaty of Asuncion by the four countries. In December 1994 during the Summit Meeting of Heads of State held in Ouro Preto further agreements crucial for the development of MERCOSUR were signed. These established a new transition period ('Adaptation to the Common Market') intended to lead to the establishment of a customs union. More recently, the integration process witnessed a new push towards greater institutionalization in the aftermath of the electoral victories of centre-left leaders in Brazil,

Argentina and Uruguay (post 2003). As an outcome, in addition to improving the Customs Union it was suggested that promoting and strengthening popular participation and representation were necessary. Hence, provisions were decided that opened the way for the establishment of the MERCOSUR Parliament (PARLASUR). Indeed the creation of the parliament was marked as a milestone for the consolidation of democracy in the region by Brazil's then president Luis Inacio 'Lula' Da Silva (Dri and Ventura, 2013: 70).

In terms of organizational structure, the main bodies of the MERCOSUR are the Common Market Council (CMC), the Common Market Group (CMG) and the MERCOSUR Trade Commission (MTC). These are permanent bodies with decision making capacity, made up of members of national executives and appointed by member states. The CMC is the highest political body and is composed of the Ministers of Foreign Affairs and the Ministers of the Economy. It is in charge of the political handling of the integration process and takes decisions to ensure that the goals set forth in the Asuncion Treaty are met. The Presidency is held in alphabetical rotation by the member states for six months (pro tempore Presidency). The body issues decisions which are binding on the member states. The CMG is the executive body of MERCOSUR and has the power to make decisions, pass rules and issue resolutions. It is made up of four permanent members per member state, appointed by their respective governments. The MTC is in charge of handling the daily problems resulting from the intra-zone trade and the implementation of the Common Trade Policy.

The PARLASUR is the successor to the Joint Parliamentary Commission of the MERCOSUR, which had only deliberative and advisory functions. Its constitutive protocol was approved in 2005 and has been in force since 2007. Its main offices are in Montevideo, Uruguay and its sessions are open to the public. It has eighteen representatives from each of the member states, who serve a four year term.

With the exception of Paraguay the parliamentarians have been appointed by national parliaments (double mandate)²⁴. It is however foreseen that by 2014 all members will be directly elected through universal ballot.

The jurisdiction of the Parliament can be divided in four areas: democratization of MERCOSUR (representation, plurality, diversity), legislative (recommendations and legislative harmonization), control (requested reports from the bodies of the bloc) and promotion of human rights and democracy (research, monitoring of elections and preparation of an annual report about human rights in the region). Parliamentary work is organized in 10 commissions with a minimum of four members and a maximum of twelve with equal national representation. These usually gather once a month in the morning preceding the plenary session but the frequency and quality of work mainly depend on the commitment of the President and the type of technical support available. The budget of PARLASUR increased from US\$ 1.026.936 in 2008 to US\$ 1.826.073 in 2010 and thus new civil servants were recruited (Dri and Ventura, 2013: 76).

A. Representativeness and accountability

The composition of PARLASUR does encompass a plurality of political forces. However, despite the official rule of simple majority voting, decisions are made by consensus. The Bureau convenes once a month usually two weeks before the plenary session, in order to debate the political line of Parliament and set up the agenda of the coming session. The president holds the post only for six months, according to the rotation of the MERCOSUR Presidency Pro Tempore. A significant development however has been the creation (2009) of the supranational Progressive Group by the centre-left parties of the PARLASUR. However, right wing parties have not managed to

²⁴ The situation was complicated by the suspension of Paraguay from MERCOSUR (in 2012) following the impeachment of Paraguayan President Fernando Lugo.

engage in such a transnational process. It is thus too soon to judge whether the foundation of the Progressive Group is indicative of a more general shift towards ideological representation.

Accountability is set to increase upon the completion of the second transitional phase (2011-2014) and the holding of direct elections. These will be held on the same day, in all the countries concerned on the occasion of the 'MERCOSUR citizen day'.

B. Legislative powers

In the case of PARLASUR it would be an exaggeration to speak of true powers (Dri and Ventura, 2013; Communication Dri, 2013; Communication Malamud, 2013; Dri, 2010; Malamud and de Sousa, 2007). Seven years after its establishment there still is a clear lack of legislative initiatives and dwindling motivation among parliamentarians (Dri and Ventura, 2013: 74). The rules issued by the assembly are not binding and grosso modo the assembly has no real impact on the taking of decisions and the drafting of laws and rules by the organization. Its political weight inside MERCOSUR is negligible (Communication Dri, 2013; Alvarez Macias, 2009).

PARLASUR possesses the power to issue statements, recommendations, bills submitted to the CMC, draft bills submitted to national parliaments for legislation harmonization and reports on matters related to the development of the integration process (PARLASUR Constitutive Protocol, Article 4). Statements have been the preferred legal instrument of the PARLASUR. From six in 2007 they increased to 25 in 2010²⁵ (Dri and Ventura, 2013: 80). It may submit bills of MERCOSUR rules to the Council which in theory must inform the parliament within a period of 6 months. It can also prepare research and preliminary plans of national rules aimed at the harmonization of pieces of national legislations of

²⁵ They cover a variety of topics, ranging from WTO negotiations, to Argentina and the Falkland Islands or environmental and health issues.

the member states, which shall then be submitted to the national Parliaments for discussion (PARLASUR Constitutive Protocol, Article 4). However, neither power obligates the decision making bodies of the organization or the national parliaments to legislate according to the proposals of the Parliament (Luna Pont, 2013). At each summit CMC 'takes note' of the recommendations and proposals for legislation sent by PARLASUR but with no practical effect (Dri and Ventura, 2013: 80).

The Constitutive Protocol of the Parliament established the procedure by which the decision making bodies must submit all bills to the Parliament before approval so that it can issue an official report. However, the bodies of the bloc are not obliged to approve a rule within the terms imposed by the parliamentary report but only to consult the assembly (Luna Pont, 2013). Additionally, the CMC has never requested opinions on its projects from parliament and it has never responded to requests for supplying information (despite the provision of a six month period). In fact, it is foreseen that if PARLASUR gives a favourable opinion on a legislative proposal submitted to it by the CMC, the proposal in question is fast tracked through national parliaments. However, thus far this procedure has not been put into effect since the CMC has never requested an opinion on its projects from Parliament (Communication Dri, 2013).

C. Oversight, scrutiny, control

In the area of oversight and control the powers of the assembly are almost inexistent (Communication Malamud, 2013). The PARLASUR can only make requests of reports or opinions in writing to the decision making and advisory bodies of the bloc about matters related to process development and must receive the President Pro Tempore at the beginning and end of each semester to submit the Working Program (Dri, 2010: 69). The parliament does not have the power to appoint the members

of the executive bodies of the bloc nor does it have budgetary powers, since it is only notified about the budget when it receives a report describing its execution by the Secretariat of MERCOSUR for the previous year (Luna Pont, 2013: 54). The only form of concrete control exercised by PARLASUR resides in the invitations it sends to the authorities of MERCOSUR or other member states to discuss matters of integration policy.

D. Transparency

Concerning transparency once more the PARLASUR (and more generally the MERCOSUR) has some ground to cover (Communication Malamud, 2013). Members of staff are recommended by national parties, government or congresses, although the Constitutive Protocol (Article 16) determines the holding of open external competitions among citizens of member states to make up the technical and administrative staff. Moreover, a significant part of the legislation approved by PARLASUR is expressly not public, as well as the proceedings of Bureau and Committee meetings, even though the Constitutive Protocol and the Rules of Procedure affirm 'the most complete transparency' (PARLASUR Constitutive Protocol, Article 3; Dri, 2009: 79). In this respect PARLASUR seems to be following in the footsteps of the other organs of the organization which seem to have low regard for openness (Communication Malamud, 2013). For example, while it is indeed foreseen that the decisions adopted by MERCOSUR organs (minutes, rules) can be made public, states can obstruct their publication if they deem that the subject matter is 'sensitive'. After Resolution 08/05 as passed by the CMG in 2005 all resolutions and bills are supposed to be published unless a member demands confidentiality. However, one cannot know which member state demanded confidentiality. Hence, the upshot is that while minutes are made public in the Official Bulletin of MERCOSUR, the bills, drafts and reports discussed during the meetings remain secret (Luna Pont, 2013: 33). At the same

time, media scrutiny is problematic. The media of the region claim that there is no dissemination service of the MERCOSUR activities. However, much like other regional parliaments the fact remains that the media do not give enough space or attention to information generated by the bloc. Coverage remains selective, circumstantial and sporadic and usually only concerns the summits of the Heads of State and crises.

E. Democracy support

The Parliament compiles and publishes an annual report on the status of human rights in the MERCOSUR countries, which attracts a good amount of attention by political forces across the region. The PARLASUR has also established its own Parliamentary Observatory of Democracy (ODPM). The ODPM is effectively a commission consisting of different PARLASUR parliamentarians and whose mandate covers the following tasks: fulfil the Protocol of Ushuaia on Democratic Commitment, promote the exchange of experiences and cooperation in elections among the member states; monitor elections in MERCOSUR member states and associate states and carry out research related to democracy consolidation in the region. Among its powers it can make proposals related to the composition of the Body of Electoral Observers of the PARLASUR (COEPM), including criteria to monitor the electoral processes and observation tasks of the COEPM; coordinate the activities of electoral observation missions (PARLASUR, 2009)²⁶. It also has to submit a quarterly report about its activities which is submitted to the CMC and the Commission of Permanent Representatives of MERCOSUR (CRPM).

Overall, much like EALA, PARLASUR is a clear victim of the prevalence of an intergovernmental logic and the dominance of the executive. This is indeed an intergovernmental integration process par

26 http://www.parlamentodelmercosur.org/innovaportal/file/169/1/disp_07_2009.pdf

excellence. States have equal powers in decision making and decisions are made upon consensus (veto for each member). Moreover, there is a presidential logic emanating from national political realities (Malamud, 2003: 53-57), which translates into a heavy predominance of the CMG and the CMC over the organization. There is simply a strong concentration of power in the decision making bodies of the bloc, whose members lack autonomy with respect to the member states appointing them.

4. The Parliamentary Assembly of the Council of Europe (PACE)

The Council of Europe is an intergovernmental organization which has 47 European member states. It has two statutory organs, the Committee of Ministers (CM) and the Parliamentary Assembly (PACE). It also encompasses the European Court of Human Rights, the Congress of Local and Regional Authorities of Europe, the Office of the Commissioner for Human Rights, the European Youth Centres in Strasbourg and Budapest and many other bodies. The Council of Europe was officially created in London on 5 May 1949, while the PACE held its first session in Strasbourg on 10 August 1949. The Assembly was supposed to produce proposals on issues having to do with economic, social, cultural, scientific and legal cooperation, and on human rights and fundamental freedoms. These were submitted to the Committee of Ministers which decided what action could be taken.

The CM is composed of the Ministers of Foreign Affairs of the member states. It is the only institution mandated to act on the organization's behalf. Its activities are overseen by a rotating Chairmanship which changes every six months. It is responsible for all matters relating to internal organization and adopting the budget. Also it is the institution responsible for considering the actions required

to further the aims of the CoE. Recommendations adopted by the CM require a unanimous vote and a majority of representatives entitled to sit on the Committee. Resolutions adopted in relation to the admission of new members require a two thirds majority of all the representatives entitled to sit in the Committee. The adoption of a new treaty also now requires a two thirds majority of the representatives casting a vote and a majority of the representatives entitled to sit on the Committee.

The Statute of the Council did not give the PACE legislative powers. The Assembly however did launch the first initiatives in the standard setting work of the Council (De Puig, 2008: 48-58). In general, the Assembly plays a role in political action aiming to foster the signature and ratification of Council of Europe conventions. It has also drafted entire texts of certain conventions (De Puig, 2008: 53). The Assembly meets four times a year in plenary for a week in Strasbourg. It appoints the Secretary General and Deputy Secretary General of the Council of Europe on the recommendation of the CM, elects the Secretary General of the Assembly, the judges at the European Court of Human Rights and the Commissioner for Human Rights. The PACE has eleven permanent committees: Presidential Committee; Enlarged Joint Committee; Standing Committee; Political Affairs and Democracy Committee; Legal Affairs and Human Rights Committee; Social Affairs, Health and Sustainable Development Committee; Migration, Refugees and Displaced Persons Committee; Culture, Science, Education and Media Committee; Equality and Non-discrimination Committee; Rules of Procedure, Immunities and Institutional Affairs Committee; Honouring of Obligations and Commitments by Member States Committee (also known as the Monitoring Committee).

Parliamentarians deliberate, discuss and prepare recommendations or resolutions that are referred to the Committee of Ministers. The debates set the broad outline for the activity of the Committee of

Ministers and the other Council of Europe organs. Indeed, in respect to policy formulation the Assembly has been described as the organization's think tank (Sithole, 2013). Its recommendations are at the root of over one third of the conventions adopted by the Council of Europe.

A. Representativeness and accountability

The 318 members of PACE are elected or appointed by national parliaments from among their own ranks. The number of representatives is determined by the size of the population (18 being the largest and 2 the smallest) and the delegations must represent the political parties and groups present in the national parliament (in proportion to their power in national chambers). The setting up of political groups in the PACE was encouraged so that the institution can eventually become the principal locus of a pan-European perspective.

Currently, there are five political groups: the European People's Party, the Socialist Group (SOC), the European Democrat Group, the Alliance of Liberals and Democrats for Europe and the Group of the United European Left. A minimum of twenty members from at least six delegations can form a political group. The record of PACE in terms of representativeness and accountability is thus mixed. While the parliamentarians do represent a wide gamut of political ideas and interests, the fact that they are not directly elected is a weakness. Accountability is guaranteed via peer scrutiny from fellow national parliamentarians. However, the public cannot vote the delegates out office and is largely unaware of their actions inside PACE.

B. Legislative powers

PACE can deliver three types of conclusions voted in the following manner: a two thirds majority vote is necessary for Recommendations. These act as policy proposals to the CM, for actions to be

undertaken by governments (Interview PACE Official, 2013). Resolutions on the other hand, require a simple majority vote and express the Assembly's decisions on questions which it alone is empowered to put into effect or expressions of views for which it alone is responsible (Schlüter, 2006: 37). The resolutions and recommendations are initiated by a report into a specific issue, as conducted by the appropriate Assembly Committee. Opinions also require a simple majority vote. They express the PACE's viewpoint on issues put to it by the CM, such as those leading to the accession of new member states or the drafting of new legislation. However, PACE's decisions are not binding and its powers are mostly limited to deliberation (Haller, 2006). Similarly, the reports adopted by the PACE Committees are not necessarily followed up by the CM (Interview PACE Official, 2013). In fact, for the better part PACE exercise a kind of "soft", moral authority over the CoE. This affords it some influence but not a great degree of impact.

C. Oversight, scrutiny, control

PACE exercises critical oversight – not binding – on the activity of the Committee of Ministers and the governments (De Puig, 2008: 57). The Secretary General of the CoE and the Minister of Foreign Affairs, who is the rotating president of the organization, can attend plenaries and have exchanges with Parliamentarians and listen to suggestions and criticism. Equally, the Secretary General of PACE and the President of PACE regularly address the Committee of Ministers or groups of ambassadors on any matter of common interest. It is a matter of sensitivities to develop this cooperation through joint statements or activities (Interview CoE Official, 2013).

The budget and financial affairs of the organization remain a responsibility of the Committee of Ministers. When policies are defined by the CM on the basis of a budget the PACE has a say in terms of recommendations. Then the CM assesses its own

priorities and tries to accommodate the PACE to the extent possible. However, this remains a decision made solely by the CM which does not have to account to the PACE for ignoring its recommendations. Budget control is a long standing request of the PACE which has been repeatedly resisted by the CM (Interview PACE Official, 2013).

It is clear that in terms of parliamentary control there is a lot to improve. For example, the visits of the Secretary General can be more frequent (Interview Gross, 2013). Improving the control functions of the PACE can lead to the improvement of the functioning of the CoE as a whole as very often the Foreign Ministers do not have an extensive degree of involvement and knowledge of important issues. Many of the members of PACE Committees become experts of national realities in member states and have a solid understanding of issues and complexities. In addition, they are freer in expressing opinions vis-à-vis diplomats and members of governments. Hence, they can act as guides in structuring programs (Interview Gross, 2013).

D. Transparency

Levels of transparency in the PACE are high because the CoE as a whole has a long established policy of openness. Texts of agreements, drafts, and recommendations at all stages are publicized. Venice Commission opinions and draft reports by PACE Committees are also made public. Even texts discussed among ambassadors in the CM are made public. Second, in all committees which work on standard setting and normative issues there is always representation by NGOs and civil society organizations (Interview CoE Official, 2013)²⁷. In fact, under rule 43.5 of the Assembly's Rules of Procedure, each Assembly 'committee may develop

²⁷ To this one also has to add the Conference of International NGOs, an institution within the CoE. It provides an institutionalized framework for the organization's cooperation with international NGOs and allows for the representatives of European civil society to contribute to the CoE's decision making processes (Sithole, 2013: 15).

relations with non-governmental organisations which carry out activities within the committees' terms of reference'. Committees are entitled to establish and are responsible for developing working relations with the European NGOs which carry out activities within their specific terms of reference. But as observers NGO representatives may speak but do not have the right to vote. With regard to media attention and scrutiny the situation is disappointing. It is a matter of fact that European media do not have space for the PACE. Characteristically, only one Slovenian newspaper maintains a permanent CoE correspondent in Strasbourg (Interview Gross, 2013).

E. Democracy support

In this regard, the assembly has a significant track record and some vital competencies. PACE has managed to acquire an important role in the process of accession of new member states²⁸. In more detail, the accession process usually begins with a request to the Secretary General of the Council of Europe, who transmits it to the Committee of Ministers for consideration. The latter consults the Parliamentary Assembly, which examines whether the candidate fulfils all the necessary requirements. This is done by a visit of the state in question by parliamentary committees and also, since the 1990s, by fact-finding missions by eminent jurists. The acceptance of the European Convention on Human Rights and Fundamental Freedoms by new candidates is equally a compulsory membership criterion (since 1994).

Full membership is granted on the condition that the ECHR is signed immediately upon accession and that it is ratified within 12 months of the signature date. Both the obligation to accede to the Convention and the accession procedure were an Assembly initiative (Sithole, 2013). Finally, the Opinion adopted by the PACE determines the invitation from the Committee of Ministers to the State to become a full member.

²⁸ In the past the Assembly has refused to ratify the credentials of Assembly members whose states still made use of capital punishment. This policy was justified with reference to the PACE's own rules of procedure (Sithole, 2013: 28).

After the applicants become members the role of the Committees is essential in terms of democracy monitoring. More precisely, the Monitoring Committee is responsible for seeking to ensure the fulfillment of the obligations assumed by the member states under the terms of the Council of Europe Statute, the European Convention on Human Rights and all other conventions concluded with the Organization. The committee may propose to the assembly the initiation or reopening of a monitoring procedure when a member state is not fulfilling its obligations or not honoring its commitments. Despite the fact that the reports produced by the Committee do not attract a great deal of public attention, they are a prime source of information and policy recommendations for many organizations (including EU, OECD, Int. IDEA, etc.) (Interview Gross, 2013).

Similarly, the Committee on Political Affairs and Democracy considers the general policy and all matters which fall within the competence of the CoE. It reports on urgent political situations in member states and considers requests for membership, observer status, special guest or “partner of democracy status”. It deals with questions relating to the state of democracy and the functioning and development of democratic institutions in Europe, as well as in the observer states and in the states whose parliaments enjoy observer or “partner for democracy” status. Lastly, it can propose to the PACE’s Bureau the conclusion of co-operation agreements, or other ways of stepping up co-operation, with parliaments of non-member states and international inter-parliamentary institutions.

Fairly recently (Resolution 1680, 2009) the Assembly established a new status for co-operation with parliaments of non-member states in neighbouring regions which wish to be supported in their democratic transitions²⁹. The new status is called “Partner for

democracy” and interested states can obtain it if they commit to embrace the values of the Council of Europe such as pluralist democracy, the rule of law and respect for human rights and fundamental freedoms; to encourage a moratorium on executions and abolish the death penalty; to organize free and fair elections; to become party to the relevant CoE conventions; to utilize the expertise of the Assembly and the Venice Commission in their institutional and legislative work. As of 2012 the following parliaments have been accorded “Partner for democracy” status: Morocco - June 2011, Palestinian National Council - 4 October 2011 (Jordan and Kyrgyzstan have also submitted applications). The PACE delegation of a parliament with ‘partner for democracy status’ has to ensure a fair representation of national political parties and to include at least the same percentage of the under-represented sex as found in the national parliament. The members of the delegation sit in the Assembly but without the right to vote. They have the right to speak with the authorisation of the President of the Assembly.

Nonetheless, despite its significant moral and intellectual strength and “soft” influence, the PACE’s legislative and control capacities are frail, while accountability of parliamentarians is limited. Equally, the fact that parliamentarians hold two mandates restricts their ability to devote a great deal of time and effort to PACE related work. Many PACE members have a clear preference for their national mandate and only allot a minimal amount of time to their CoE commitments. Overall, the shadow of the CoE’s intergovernmentalism looms large over the PACE. The CM has been reticent in providing the PACE with more authority. Requests for greater cooperation in the budgetary process and co-decision in the adoption of treaties have been rejected and there are no plans for establishing direct elections (perhaps held together with the EP ones).

29 <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta09/ERES1680.htm>

Of course, one has to be careful here. The CoE has been explicitly conceived and set up as an inter-governmental organization. And in addition, its remit (i.e. human rights, democracy, rule of law, etc.) makes it particularly difficult for states to accept a supranational, popular based institution that would pry into their affairs. Hence, strengthening the legislative and control functions of the PACE, to the extent that it would be feasible or indeed desirable, would require a delicate and complex process of bargaining and diplomacy.

5. The ASEAN Inter-Parliamentary Assembly (AIPA)

ASEAN was founded by Indonesia, Malaysia, the Philippines, Singapore and Thailand on 8 August 1967 in order to promote economic development, cultural and social relations, and peace and stability. Since then, membership has expanded to include Brunei, Myanmar, Cambodia, Laos, and Vietnam. As a strict inter-governmental organization ASEAN has long been characterized by the unwillingness of its members to interfere in the internal affairs of their neighbours. Accordingly, the Treaty of Amity and Cooperation in Southeast Asia signed by ASEAN members (1976) spelled out what has come to be identified as the 'ASEAN way' by adopting the following fundamental principles:

- Mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations
- The right of every State to lead its national existence free from external interference, subversion or coercion
- Non-interference in internal affairs
- Settlement of differences or disputes in a peaceful manner
- Renunciation of the threat or use of force
- Effective regional cooperation



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Thus, members were not required to undertake significant economic or political (democratic) reforms prior to entering ASEAN. A new impetus in the integration process was given with the signing of the ASEAN Charter which points to the creation of a single free-trade area for the region and the transformation of ASEAN into a community. Nonetheless, the fundamental principles of the organization remain faithful to the principle of non-interference (ASEAN Charter, 2008).

In terms of structure, the ASEAN Summit is the supreme policy making body of the organization. It gives direction to the work conducted by all ASEAN bodies and agencies, and authorizes the establishment and dissolution of any institution or body except for permanent councils. The Summit is made up of the heads of governments of the ASEAN member states and the leaders meet twice a year (ad hoc or special meetings can also take place). It is also the ultimate arbiter on issues and disputes that are brought before it and decisions are taken by consensus (Sukma, 2009).

Directly responsible to the Summit are the ASEAN Councils and the Secretary General of the ASEAN (who is in charge of the Secretariat). There are

four councils, one each for: the Political Security Community, the Economic Community, and the Socio-cultural Community. These are responsible for overseeing the implementation of the Summit's decisions that fall within their remit. The councils are composed of designated national representatives, with the APSC Council made-up of the Foreign Ministers of the ASEAN states, the AEC Council comprising the Economic Ministers and social welfare or cultural ministers making up the ASCC Council. They are coordinated and overseen by the ASEAN Coordinating Council. The ACC is composed of the Foreign Ministers of the member countries. It organizes the Summit meetings, coordinates all reports submitted to the leaders. Coordinating the agenda of the ACC is the Chair, a position held on a rotating basis by a Foreign Minister from one of the member states. However, there is little beyond coordination and monitoring that the ASEAN bodies actually accomplish. Implementation of decisions is a function of the willingness and capacity of the individual member states to comply with its obligations. Even in the case of serious violations of the Charter, referral of the matter to the Summit ensures that the state in question can always exercise a veto.

The ASEAN Inter-Parliamentary Assembly (AIPA) does not legally belong to the ASEAN, but has quasi-official ties with it (it is an 'associated entity' of ASEAN) (Deinla, 2013). It was created as the ASEAN Inter-Parliamentary Organization (AIPO) in 1977. In 2007 its statute was slightly amended and the organization was renamed AIPA. According to this constitutive document, the Assembly aims to promote solidarity, cooperation and close relations among Parliaments of ASEAN member countries and other parliamentary organizations, and to facilitate the achievement of the goals of the ASEAN as constituted in the ASEAN Declaration of August 1967 (AIPA Statute Chapter 2, Article 2). It also officially seeks to offer contributions regarding integration to ASEAN and to promote the goal of integration

among the peoples of the region. It discusses issues of concern to the region and proposes solutions to shared problems and aims to instigate appropriate responses by the members of ASEAN. At the same time, it seeks to act as a transmission belt informing parliamentarians of actions of national parliaments on steps taken in the attainment of AIPA's goals. Finally, it is explicitly committed to the promotion of the principles of human rights, democracy, peace, and security in ASEAN (AIPA Statute Chapter 2, Article 2).

Its structure consists of the General Assembly, the Presidency, the Secretariat, the Executive Committee, the Committees, a Women's Group (WAIPA), and the National AIPA Secretariats. The General Assembly consists of delegations from each member Parliament comprising not more than fifteen members and is headed by the Speaker. The General Assembly is the policy-making body of the AIPA and meets at least once a year, unless otherwise decided by the Executive Committee. The venue of the General Assembly rotates among the Member Parliaments in alphabetical order. To ensure continuity, the national parliaments whenever possible nominate at least five members of the national parliaments to participate in two General Assemblies consecutively (AIPA Statute, Chapter 3, Article 6). The AIPA Parliamentarians – maximum 15 for each delegation - are chosen amongst the members of national parliaments and at least three members of each national delegation must be women (Deinla, 2013).

The General Assembly adopts policy initiatives and proposes legislative initiatives on issues of common concern for recommendation to the respective Governments of ASEAN countries. Resolutions approved by the General Assembly are disseminated by each AIPA National Secretariat to their respective Parliaments and Governments in order to stimulate implementation. AIPA National Secretariats are at the same time obliged to inform the AIPA Secretariat of any action taken by their respective Parliaments

and Governments on resolutions approved and policy and legislative initiatives adopted by the General Assembly. This information is added to the AIPA Secretariat's Annual Report to the General Assembly. Discussions in the General Assembly are held on subjects placed on the agenda by the Executive Committee. However, it is important to note that decisions by the General Assembly on any subject are made by consensus and matters on which consensus cannot be attained are dropped (AIPA Statute, Chapter 3, Article 7). This state of affairs places clear obstacles to any attempts at further democratization and towards developing the AIPA's capacity to address more sensitive issues.

Moreover, its legislative functions are limited. It exerts a weak recommendatory role mainly via non-binding resolutions (it has passed about 400). According to Rüländ and Bechle (2013) despite the fact that AIPA's resolutions are intended to serve as policy inputs to regional governance, they are usually very general and lacking precise guidelines and technical specifications. Their vague character leaves national legislatures much room for interpretation on how to translate them into national law. In addition, given their non-binding character the fact remains that member states are free not to implement them (Rüländ and Bechle, 2013: 7). Finally, in terms of democracy promotion AIPA has little to show for. In recent years it has indeed passed resolutions (e.g. Res 30GA/2009/Pol/02 and Res 29GA/2008/Pol/02) on "strengthening democracy and promoting human rights", which however, are somewhat vague and do not put forward concrete proposals or policy recommendations. Additionally, during its 32nd General Assembly (September 2011) AIPA accepted Myanmar as a member, despite reservations expressed at the time.

It becomes evident that democracy in the AIPA is not strong³⁰. By its own admission AIPA is not a fully fledged legislative body. "AIPA does not have legislative functions other than adopting resolutions or recommendations to be converted into national laws by country, often depending on their national priorities. There is no sanction on the inability to implement the adopted resolutions by AIPA parliament members despite AIPA's commitment to support ASEAN achieving its goals" (Communication with AIPA Official, 2013). AIPA's representativeness is severely mitigated by the fact that governments handpick the delegates.

Overall, AIPA remains a weak institution which is further handicapped by political realities in the region. Democracy in the ASEAN countries is a sensitive issue, with many member states having only weak or partial liberal democratic institutions. Even in national contexts parliamentarians are not entirely confident about their capacity to play a significant political role. At the same time, AIPA is beset by internal capacity issues, especially in relation to funding and human resources. These pitfalls severely constrain the degree to which AIPA can increase its capacities and raise its profile.

30 In terms of human rights an important development was the establishment of the ASEAN Inter-governmental Commission on Human Rights (AICHR) on 23 October 2009. The advancement of human rights began as a civil society initiative when a loose grouping of human rights organizations in the region challenged the ASEAN states on their declaration to look into the possibility of establishing a regional human rights mechanism (1993). This group eventually formalized its existence as the Regional Working Group for an ASEAN Human Rights Mechanism. The RWG's meetings with ASEAN were eventually institutionalized as part of the annual ASEAN Ministerial Meeting's agenda. The outcome of this mobilization was the birth of the AICHR, which however is not an independent body and is directly accountable to the Foreign Ministers of the ASEAN states. By and large the AICHR is a consultative body that does not have any specific investigative or monitoring functions (Kraft, 2013).

Table 1: Budgets of IPIs in \$³¹

EP (2012)	PACE (2012)	EALA (2013-2014)	PARLASUR (2010)	AIPA Secretariat (2011-2012)
\$ 2,3 billion	\$ 22,3 million	\$ 13 million	\$ 1,9 million	\$ 300,000 (approx.)

Table 2: Overview of democracy in IPIs

	EP	EALA	PARLASUR	PACE	AIPA
Representativeness and Accountability	★★★★	★	★★	★★	★
Legislative powers	★★★★★	★★	★	★★	
Oversight, control	★★★★	★	★	★★	
Transparency	★★★★	★★	★	★★★★	★
Democracy support	★★★★	★	★★	★★★★	

★★★★★ = excellent ★★★★ = strong ★★★ = satisfactory ★ = weak

31 Sources: EP <http://www.europarl.europa.eu/aboutparliament/en/%2000059f3ea3/The-budget-of-the-European.html>; PACE <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1998892&SecMode=1&DocId=1838802&Usage=2>; EALA <http://www.eala.org/media-centre/press-releases/532-eala-passes-motion-to-consider-budget-estimates-and-expenditure.html>; PARLASUR (Dri and Ventura, 2013 : 76); AIPA <http://www.aipasecretariat.org/wp-content/uploads/2011/10/Res-on-Budget-Proposal-ref.pdf>

6. Conclusion

The assemblies covered in this study vary in terms of democratic capacities and resources (Tables 1 and 2). PACE, the second most important European IPI performs well in representativeness. Despite the fact that its members are elected by and are members of national parliaments, political plurality in the chamber is such that it ensures a good degree of popular representation. The fact that parliamentarians are organized according to ideological and not national lines also ensures better representativeness. To an extent the same can be said of PARLASUR (with the formation of the Progressive Party being another step forward). In addition, by 2014 PARLASUR is scheduled to have all its members directly elected. This could be a milestone in its development as a democratic organ and much like in Europe can lead to a significant increase of its powers. On the other hand, representativeness in the EALA is mitigated by the fact that ruling parties and leaders of East Africa tend to favor their own members and supporters when filling the seats of the regional chamber. The same is the case in AIPA, which is equally disadvantaged by the democratic weaknesses prevalent in many of its member states.



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Accountability is in theory strong in the EP but in practice has limits. Many European citizens do not know their MEPs, are unable to tell what their delegates vote and legislate on and use European elections solely as a means of penalizing incumbent parties and not in order to support or recall their representatives. Moreover, media attention of European affairs while on the increase remains uneven and fragmented, thus inhibiting further popular interest. Accountability is also low in the rest of the regional assemblies of our study with the lack of direct elections and media interest for regional affairs being the major impediments. The parliamentarians of PACE are mostly accountable to their peers in national assemblies³². Additionally, their double mandate impacts on the time they devote to the PACE. In general, European publics do not have many chances for holding members of PACE accountable. The problem in other IPIs is also linguistic as for both the EALA and AIPA the official working language is English. This evidently means that significant numbers of people in Africa and Asia simply cannot follow the work of these assemblies. Of course, maintaining an extensive translation service (like the EP) is an expensive affair and surpasses the administrative capacities of AIPA and EALA. Nonetheless, some effort towards making their work more linguistically accessible by the wider public is necessary if these assemblies are to progress as institutions.

Concerning legislation the picture is equally mixed. By possessing the right of initiation EALA outperforms the EP. Of course, this is allayed by the legislative powers of the Summit of Heads of State. Hence, unsurprisingly the clear leader in legislative capacities is the EP, which under the OLP has managed to play a very strong role in the making of EU laws. The other assemblies studied here do not have strong legislative capacities. PARLASUR remains very weak and in AIPA these powers are almost inexistent. The

³² In East Africa French is the official language of Rwanda and Burundi, while Kiswahili functions as the lingua franca of the region. The situation in AIPA is even more complex.

PACE exercises influence over the decision of the Committee of Ministers but again this is more 'soft' than 'hard' as the assembly does not have direct say in the actions of the CM.

Similarly, with the exception of the EP, the IPIs studied here have little power over their respective executives (not applicable in the case of AIPA). Indeed, one thing that characterizes all of them is the prevalence of the intergovernmentalist logic. States have been reluctant to give away powers to supranational institutions and especially to representative assemblies. Even in the case of the EU, which did indeed give significant powers to the supranational EC, the strengthening of the EP has been a slow and arduous process. On the whole, national leaders find it difficult to submit themselves to further layers of scrutiny or control – and transnational ones at that. This is a major obstacle in the road to making IPIs stronger and more democratic. And it is something that members of IPIs themselves will have to grapple with, proactively, if they wish to increase their powers.

In terms of transparency it is no accident that the older and more established IPIs (the EP and PACE) unmistakably outperform the rest. Transparency in the MERCOSUR and EAC is subject to provisions and this trickles down to the level of the assemblies. Equally, the non-European assemblies suffer – to varying degrees – from organizational and financial concerns. Their institutionalization has not reached the levels of the EP and PACE. This has an effect on their ability to increase transparency as in many cases they cannot develop the necessary infrastructure (e.g. web based TV coverage like the EP).

Finally, concerning democracy support most of the assemblies covered have developed worth mentioning if not important initiatives. The EP has the most resources and is involved in multiple programs of parliamentary assistance - training, fellowships, seminars, etc. – and electoral monitoring. The

challenge for the EP is to expand its actions beyond election observation and support for parliaments. PACE plays a key role inside the CoE – accession process – while the 'partner for democracy' status allows it to build direct links with national parliaments of non member states. Its members are also heavily involved in election observation missions while the reports produced by the relevant committees are important tools in the design of CoE's democracy support measures. PARLASUR and EALA engage in monitoring of the democratic conditions in their member states and organize or take part in election observation missions. IPIs recognize the fact that they have a key role to play in the promotion of democracy in their regions, and they seem to embrace it. While for the time being this mostly involves monitoring and contributing to election observation missions, it can with time and better finances (as the European examples have shown) lead to the development of more systematic and widespread capacity-building actions. Indeed, this is a functional and normative niche that IPIs will have to exploit more explicitly.

The IPIs covered in this study vary in terms of democratic capacities and in the ways they perform their role as the motors of democracy. Naturally, the European Parliament is by far the stronger IPI. Despite its weaknesses in terms of representativeness, executive control and transparency, it does perform all the functions that national assemblies do, and in some ways (notably in amending laws and expanding its own powers) outperforms them. Of course, one ought not to forget that it took the EP four decades to develop its powers, yet the fact remains that it clearly emerges as a source of inspiration for other IPIs. Naturally, it goes almost without saying that this is a process of emulation and not imitation. Political traditions are not the same everywhere and as such require different approaches. A case in point is the prevalence of Presidentialism in Latin American politics; a fact which to some extent impacts regional integration institutions.

On the whole, two preconditions seem to emerge for the advancement of international parliamentary democracy: the prevalence of inter-governmentalism in IGOs and (unsurprisingly) the nature of political regimes in the different world regions. The heavy prevalence of intergovernmentalism does not augur well for the development of strong IPIs, which require a certain degree of sovereignty pooling. At the same time, an environment inimical to parliamentary democracy is hardly solid ground for the strengthening of IPIs (albeit in the name of addressing a democratic deficit). These are challenges that IPIs and their members will have to tackle via promoting parliamentary democracy (normatively and practically) as a standard of legitimacy. Indeed, if there is a major lesson to be drawn from the European Parliament, it is the active role of parliamentarians in pushing for greater powers and more democracy. Hence, members of IPIs will have to wholeheartedly embrace their role as democracy promoters at the regional level (either within an IGO or at the level of member states) and actively work to strengthen their prerogatives.

Policy Recommendations

European Parliament (EP)

1. Elect a number of additional MEPs in a pan-EU constituency from transnational lists put forward by European transnational parties. The number of these new MEPs could be 25 as suggested by the EP's Constitutional Affairs Committee in 2011.
2. Introduce a uniform electoral law for this pan-EU constituency.
3. Enhance the effectiveness of the Joint Transparency Register by making it compulsory.
4. Oblige candidates for the European Commission's presidency to publicly advance their political vision about the future of the EU and EU governance issues.
5. Further institutionalize and extend the scope and number of debates among the main candidates for the European Commission's presidency.
6. The EP should contribute to EU democracy by proposing that the composition of the European Commission (2019) reflects the majority coalition of political groups in the European Parliament.
7. Further enhance EU democracy by proposing that Commissioners (2019) be chosen from MEPs, while maintaining all EU Member States' representation.

East African Legislative Assembly (EALA)

1. Introduce direct elections for EALA after the end of the 3rd EALA assembly (2012-2017).
2. Commission a feasibility study and recommendations on the creation of supranational political groups.
3. EAC member states should allocate more resources for the regional integration organs, and increase the EALA's budget to enhance the infrastructure of standing committees (allocating permanent staff and operational budgets).

4. Add Swahili as an official language to reach a greater audience and thereby increase transparency.
5. Allow EALA to revise the EAC's budget .
6. Reduce the veto power of the Summit by granting EALA the power of oversight (amend Treaty) in leading policy areas (e.g. development, common market issues), when it can raise a 2/3 majority.
7. Provide resources to develop and implement a communication strategy, and promote the existence and work of EALA via the radio and press.
8. Institutionalize the assembly's engagement with civil society groups (deliberative council) with a dedicated session during each assembly session.

Parliament of the Mercosur (PARLASUR)

1. MERCOSUR should grant the parliament greater budgetary powers after the 2014 PARLASUR elections.
2. Utilize and take advantage of the existing fast track procedure which grants PARLASUR the power to assent to legislation.
3. Enhance the capacity of Parliamentarians to effectively use their consultative powers to dialogue on relevant issues with Executive organs.
4. PARLASUR should compile and debate a transparency report concerning MERCOSUR decisions on an annual basis.
5. Enlarge the presence of supranational political groups and rely less on consensus voting.
6. Establish mandatory quotas (40% for women) in the PARLASUR direct elections.
7. Develop and implement a more systematic communication strategy, especially with regard to direct elections.
8. Member States should make more funds available to PARLASUR for democracy support activities, and in particular, capacity building.

Parliamentary Assembly of the Council of Europe (PACE)

1. Allow PACE more control over the budget of the Council of Europe.
2. Use budgetary power as a bargaining instrument in policy dialogues with the Committee of Ministers.
3. The Secretary General of the Council of Europe should participate in a debate with PACE at all plenary sessions.
4. Grant co-decision right to PACE in the adoption of Treaties.

ASEAN Inter-Parliamentary Assembly (AIPA)

1. Commission a study to make recommendations on the feasibility of further institutionalization of the assembly with a view of AIPA becoming an official organ of ASEAN.
2. Formalize meetings between AIPA delegations and the Heads of ASEAN's Community Councils to facilitate AIPA's advisory and oversight functions.
3. Increase the number of AIPA delegates representing opposition parties of member states.
4. Institutionalize the participation and engagement of civil society representatives and organizations in the current work of committees, study groups, etc.
5. Formalize common guidelines for the election of AIPA delegates from national parliaments.
6. Strengthen the Secretariat of the AIPA by increasing the number of professional staff and organize annual capacity building seminars for staff and parliamentarians.
7. Establish an AIPA center for monitoring and promoting best practices in parliamentary democracy and elections across the region.

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Annex

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1. Council of Europe Official. Brussels, 22 April 2013.
2. Andreas Gross, (SOC) member of PACE and of the National Council of the Swiss federal Parliament, 3 May 2013 (telephone interview).
3. Abdullah Mwinyi, parliamentarian EALA, 14 May 2013 (telephone interview).
4. Office for the Promotion of Parliamentary Democracy (OPPD) Official. Brussels 29 May 2013.
5. European Parliament Official. Brussels, 3 June 2013.
6. Prof. Olivier Costa, University of Bordeaux and College of Europe, 10 June (telephone interview).
7. Catherine Bearder, (ALDE) MEP, 15th of July 2013, European Parliament building.
8. Joyce Cherono Labosa (Co-President of the ACP-EU Joint Parliamentary Assembly and Deputy Speaker, National Assembly of Kenya). Brussels 17 June 2013, EP building.
9. John Bosco Kagoro (Staffer, Parliament of Uganda). Brussels, 17 June 2013, EP building
10. Chris Baruti (Officer, Campaign for the Establishment of a United Nations Parliamentary Assembly UNPA, Berlin). Brussels 17 June 2013, EP building.
11. Jean Pierre Ricot (Program Director, Plateforme Haitienne de Plaidoyer pour un Développement Alternatif). Brussels 17 June 2013, EP building.
12. Leopold Kossou (President of local agricultural producers PNOPPA, Benin). Brussels 17 June 2013, EP building.
13. European Council Official. Brussels 18 July 2013.
14. Jo Leinen, (S&D) MEP. Brussels, 18 June 2013, EP building.
15. Gabrielle Zimmer, (GUE/NGL) MEP. Brussels, 19 June 2013, EP building.
16. ASEAN Official, 4 July 2013 (telephone interview).
17. Dietmar Nickel, Non-Resident Senior Fellow at the German Institute for International and Security Affairs and retired EP official, 2 July 2013 (telephone interview).
18. Ambassador Moorad Mustaq, Regional director International IDEA S. Africa, 11 July 2013 (telephone interview).
19. Andrew Duff, (ALDE) MEP. Brussels 11 July 2013, EP building.
20. PACE Official. 18 July 2013 (telephone interview).

21. European Trade Union Confederation Official, Brussels 23 July 2013.

22. European Commission Official 1. Brussels, 18 September 2013.

23. European Commission Official 2. Brussels, 24 September 2013.

24. European Commission Official 3. Brussels, 24 September 2013.

Questionnaires answered

1. Professor Andres Malamud, University on Lisbon. (PARLASUR).

2. Martin Luther Munu, Assistant Programme Officer, Trade and Development. Consumer Unity & Trust Society -Africa Resource Centre (CUTS-ARC), Nairobi. (EALA)

3. Dr. Clarissa Dri, Federal University of Santa Catarina, Florianopolis, Brazil. (PARLASUR).

Communication via email

1. AIPA Official. 29 April 2013.

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