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FUNCTIONING OF PARLIAMENTARY ASSEMBLIES OF INTERNATIONAL ORGANISATIONS

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FUNCTIONING OF PARLIAMENTARY ASSEMBLIES OF INTERNATIONAL ORGANISATIONS

Gabriel- Liviu ISPAS [1]

Abstract

International organizations have developed as derived subjects of international law without substitute the role and the importance of the states as fundamental actors in adopting policies that go beyond national powers.

Therewith, national governments tendency to impose the rules of procedure at universal level has been dimmed by a operation democratization and disposal of transparency deficit. In this way appeared parliamentary assemblies. They have no predefined structure, did not appear in the same period and similarly, have a typical structure. They may also work inside or outside the intergovernmental organization, in close functional connection.

Over the work we realized an analysis of main key elements of international parliamentary institution experienced in international organizations.

Keywords:
Parliamentary, organization, assemblies, governments, democracy

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1. Introduction

"Actors" of international relations, may seem to be at first glance, the governments of the countries of the world. In reality, on the international scene evolve, undoubtedly, intergovernmental organizations, whose members are national governments (UNO, IMF, OPEC, NATO), multinational corporations, functional agencies of the ministries of foreign affairs, individual leaders and citizens.

States clearly play the leading role in international relations and the international system represents the set of relations between countries of the world, structured according to certain rules and patterns of interaction. Modern international system exists for approximately 500 years, and within it, states vary by area, economic activity, military activity etc.

Governments, also important actors in international relations, are in fact highly constrained and influenced by other non-state actors. The theory of interests group postulates that the driving forces of a state behavior are the sub-groups of interest. Examples include interest groups that make political, military and economic lobby. Group theory argues that, although they are part of the state, they are also causal forces in the exercise of state power.

Over time, it was intended that international relations be based on a communitarian spirit, on the law, and on justice. The organizations created had structure determined by the international environment, by economic and social issues, by peace and world security, and the organizations' activity was initiated by the existence of private international associations and shaped by the existence of international cooperation(Buzan, B, Little, R., 2009:287).

Democratic approach was in the centre of the most democratic reforms in international organizations. This follows three separate, but interdependent ways. First, some suggest strengthening the control mechanisms at a national level.

This approach is significant because those who argue that there is actually no democratic deficit in international organizations often say that states' governments, which are in turn controlled by citizens, make those responsible.

Obviously, "liability can and should begin at home" and establishing some clear lines of delegation and transparent internal processes allow citizens to judge their government's policies"(Nye, J,2001, :5).

Other proposals to support the integration of civil society actors, usually non-governmental organizations (NGOs) in order to provide access to information and better verification of decisions and actions. Finally, other proposals for institutional reforms focus on bringing more transparency in decision-making processes of the intergovernmental bodies.

Parliamentary Assemblies of the international organizations are rarely mentioned in debates about democratic deficits as well as the institutional

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arrangements to mitigate, even if members of parliamentary assemblies have a "dual mandate", which means that they are appointed from among members of national parliaments and thus serve to goals at national and international level.

Parliamentary Assemblies are built on a central idea of democratic politics: Parliament ensures legitimacy of the political action by representing the interests of citizens, transparency and supervision of government action. Responsibility is stimulated by institutional controls and levers where different branches of government are empowered to supervise and sanction others.

2. The Introduction of a Parliamentary Dimension

The introduction of a parliamentary dimension to the governmental organizations, regardless of the activity and profile - political, economic, security or for social problems - expresses the necessity for those to know directly the evolutions and issues which the society is facing, to reflect accordingly the voters' choices and validate the actions taken.

The highlighting of the democratization trend of international organizations is illustrated by the establishment after 1990 of some parliamentary organizations - Parliamentary Assembly of the CSCE / OSCE and the Parliamentary Assembly of Black Sea Economic Cooperation. Parliamentary Assemblies were created within organizations like the Council of Europe, OSCE, BSEC, and European Communities, so that the general will of the population of the Member States, expressed through their parliaments, may reflect the activity of that organization. First Europe Parliamentary Assembly was created by the Council of Europe.

Professor Adrian Nastase believes that "the relationship between inter-parliamentary level and the inter-governmental level is structured in different degrees. Thus, the WEU Assembly, created by the Treaty of Brussels (the act establishing the WEU), receives annual activity reports of the WEU Council and has the power to address recommendations and detailed questions about issues that concern the assembly or its members. According to the Maastricht Treaty, the European Parliament is consulted by the Council of Ministers and the European Council in connection with the common foreign policy and security and with aspects regarding internal policy and justice. Instead, the Charter of Paris mentions only the need to establish a CSCE parliamentary assembly and its regulation only mentions "assessing implementation of CSCE objectives" and sending reports and decisions of the assembly to the Council of Ministers for consideration." "(Bolintineanu, Al, Năstase, A, Aurescu B, 2000, :119).

Regarding the parliamentary body of the European Communities, it was originally called the Assembly of the European Communities. After successive amendments of the institutive Treaties, the Common Assembly from 1962

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changed its name to the European Parliament. Assembly members were those who represented a state's population, having the quality of members of national parliaments. At present, the members of the European Parliament are elected by direct vote of the people of member countries[2].

In addition to these bodies, function plenary commissions, committees and working groups, within are examined various points on the agenda of the people working in plenary assemblies.

3. Parliamentary Assembly Connection with the Executive Bodies

Regarding the functioning of international organizations, most plenary organs meet regularly, in the ordinary and extraordinary or special sessions, usually at the respective organizations headquarters. Effective functioning of plenary bodies depends largely of the person chosen to lead their work and who owes the function of president. This is helped in leading a session by one or more vice presidents, meeting in the offices of the session.

ONU Actual works of the session takes place after certain rules of procedure, a procedure that follows broadly, the rules of procedure of the UNO General Assembly(Beşteliu, R.M, 2000, :109).Acts of international organizations are called resolutions, decisions, declarations, decisions, recommendations etc. and adopted by consensus, unanimous, weighted voting or majority.

Analysis of international organizations, particularly of the Council of Europe and OSCE stresses the importance of strong links between parliamentary organizations and intergovernmental bodies, as a prerequisite for control and influence.

In the Council of Europe, the Council of Ministers and Parliamentary Assembly are intertwined in terms of institutional in many ways. Instead, the OSCE Parliamentary Assembly's position is more fragile because it depends on the voluntary cooperation of decision-making bodies.

Failed attempt to codify some rights that were gained in practice has shown that the anchoring process of parliamentary influence in an organization with a deeply rooted intergovernmental culture is a difficult test.

Also, the fact that many countries have a very critical attitude regarding any proposals could jeopardize the executive power prerogatives in foreign issues(Viotti, PR, Kauppi, 1999, :13).

An important aspect is the active involvement of Member States representatives from high level and executive bodies in parliamentary debates. When heads of state and government respond in public on subjects relating to

[2] The first direct elections for the European Parliament took place on 7th of June1979.

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their activities and to deputies' questions, this is an excellent way to initiate and sustain a dialogue at the highest level of political authority.

The right to submit written questions to executive bodies enables highlighting of issues that intergovernmental decision-makers are not willing to disclose, or to engage in a debate, thus contributing to more transparent governance.

In general, however, the degree of control remains modest and many aspects could still be improved to further strengthen the democratic accountability of these institutions.

A full assessment must take into account also the potential repercussions of the Member States.

Firstly, the reasoning behind the "double mandate" of the representatives (they both participate in these meetings and in their national parliaments) involves a kind of policy transfer between different levels of government. Consequently, the CE Parliamentary Assembly and also the OSCE Assembly created a variety of measures to advance their political recommendations in decision-making processes at national level(Habegger, B, 2005, :180).

Although it is difficult to analyze how these measures are actually effective, parliamentary assemblies are not satisfied with the degree to which their policies are advanced in national parliaments[3]. Analysts even claim that the failure to integrate the Parliamentary Assemblies activity in that of national parliaments is the main problem faced in the performance of democratic functions (Kraft-Kasack, C., 2008, :553).

However, there is empirical evidence that national parliaments make decisions relating to decisions taken by the Parliamentary Assembly of the EC and the members of parliament use Assembly documents as sources of inspiration for national legislation and refer to them in parliamentary debates (Klebes, H, 1998, :293).

However, while the double mandate provides an excellent opportunity to link levels of government in theory, any critical inquiry should ask whether this arrangement meets its practical purpose.

Legitimacy of parliamentary assemblies, given by the fact that these are composed of national elected parliamentarians could also create a negative side effect if the members of parliament "are considered primarily representatives of national parliaments" and regard the assemblies' priorities "only in terms of national priorities"(Sabic, Z., 2008, :266).

Indeed, both in the Parliamentary Assembly of EC and in the Assembly OSCE parliamentarians are expected not to be regarded as national representatives, but as independent voices who vote without instructions from

[3] See Rapport d'Activités 1993–1997: *Le Partenariat Européen de Parlements Nationaux au sein de l'Assemblée Parlementaire* (AS/Doc 7903 (1997).

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their national governments and to represent their voters directly in the international body.

Some might say that the idea 'parliamentary regarded as an international player remains a contradiction in terms"(Sabic, Z., 2008, :267)., and conflicts of interest between the role of member of a national parliament and a representative of an international body could be, indeed, inevitable.

In this regard, it is important for assemblies to establish clear priorities regarding the issues to be approached, in order to avoid wasting energy - which both the PACE and OSCE Assembly tend to forget. Finally, a lack of awareness of public opinion prevents often from creating sufficient political influence, which is commensurate with big ambitions that these meetings have for themselves.

These limitations are offset by potential benefits if the links established between different levels of government are used effectively. Working in an international environment and meeting parliamentarians from other countries can make possible, for example, the extension of "individual legislators horizons" in a way that could change their attitudes and values towards international cooperation in general. (Colliard, CA, 1991, :35). This could provide new perspectives on global issues in their deliberations about the national parliaments.

In addition, acquired knowledge and direct access to alternative sources of information could allow the members of parliament to exercise an improved supervision of the activities of their own governments, regarding foreign affairs.

4. Conclusions

Therefore, the establishment of parliamentary assemblies not only improves democratic responsibility within international organizations, but also satisfies the requests of those who argue that first, greater responsibility begins "at home". Thus, inter – parliamentary organizations, based on common objectives set by the constituent treaties, allow and encourage direct dialogue between legislators and, under the virtue of various political representation of delegations, the development of various arguments, beneficial for the final result of the analysis and for the conclusions on matters of action. Although decisions are taken by majority vote in most situations, these reflect a harmonization-even partial- of positions in various areas and even of some legislative chapters (Bolintineanu, Al şi alţii, 2000, :120).

Public participation and control are limited and numerous disciplinary mechanisms, such as the approval of international treaties by the national parliaments can be triggered only in the final stage.

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Parliamentary assemblies aim at creating an institutional balance between a governmental body and a parliamentary body in international organizations, as happens in democratic states.

Due to "their double mandate" to serve both nationally as internationally, all elected members of parliament represent the voters' interests, ideas and values not only in the national parliament, but also in the Parliamentary Assembly, and are suitable for establishing effective links between the various levels of governing.

Moreover, parliamentary assemblies are pluralistic in constitution, as both the government and opposition members of parliament are represented according to the number of places in the national parliament, leading to a political institutional balance.

References

Archer, C. (1993) *International Organization*, ed. Routledge, Londra,

Baehr, P.R., Gordenker, L. (1990) *The United Nations at the end of the 1990s*, ed. a III-a, St. Martin' s New York,

Bennett, L., Oliver, J. (1977) *International Organizations – Principles and Issues*, ed. Prentice Hall, London,

Bolintineanu, Al., Nastase, A., Aurescu, B. (2000) *Drept international contemporan*, Ed. All Beck, Bucureşti,

Brownlie, I. (1998) *Principles of Public International Law - fifth edition*, Oxford University Press, New York,

Bruhl, T., Volker, R. (2006) *From International to Global Governance*: *Actors, Collective Decision-Making and United Nations in the World of the Twenty-First Century in Global Governance*, U.N. System, Tokyo, U.N. University Press,

Buzan B., Little, R. (2009) *Sistemele internationale in istoria lumii*, Ed. Polirom,

Cassese, A. (1996) *International Law in a Divided World*, Clarendon Press, Oxford,

Chamberlain, J.P. (1995) *International Organizations*, ed. Carnegie Endowment for International Peace, New York,

Colliard, D. (1991) *Les relations internationales de 1945 a nos jours*, Paris, ed. IV,

Habegger, B. (2005) *Parlamentarismus in der internationalen Politik: Europarat, OSZE und Interparlamentarische Union*, Baden-Baden:Nomos,

Held, D. (2000) *Democratia si ordinea globala : de la statul modern la guvernarea cosmopolita*, Bucureşti: Univers,

Hollis, M., Smith, S. (1991) *Explaining and Understanding International Relations*, Oxford University Press,

Kraft-kasack C., *Transnational Parliamentary Assemblies*: A Remedy for the Democratic Deficit of International Governance West European Politics,2008

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Jura, C. (2003) *Rolul organizatiilor nonguvernamentale pe plan international*, ed. All Beck, Bucureşti,

Klebes, H. (1998) *Diplomatia parlamentara*, IRSI, Bucureşti,

Levi, L. (2005) Globalization and a World Parliament, edited by the Center for UN Reform,

Miga-Beşteliu, R. (2000) *Organizatii internationale interguvernamentale*, Bucureşti, Ed. All Beck,

Nye, J. (2001) *Globalization, s Democratic Deficit: How to Make International Institutions More Accountabil*, Foreign Affairs,

Sabic, Z. (2008) *International Parliamentary Organs*, Ljubljana, CIR Publications,

Viotti, P.R., Kauppi, M.V. (ed.) (1999) *International Relations Theory*, Allya & Bacon, Needham Heights, MA.

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