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2007

Symposium: Envisioning a More Democratic Global System: On the First Branch of Global Governance

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eCommons Citation

ON THE FIRST BRANCH OF GLOBAL GOVERNANCE

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I. INTRODUCTION

Because leaders can't lead if followers won't follow, the political character of societies are determined by how citizens collectively choose to condition their willingness to follow. They may reflexively follow the commands of those proclaiming authority or they may subject their obedience to various forms of moral scrutiny. In the 20th century, successfully demonstrating this reality, Mohandas Gandhi, Martin Luther King, Vaclav Havel and others overturned political orders by inspiring millions to condition their willingness to follow on specific normative criteria.

Citizens do not make collective determinations of when they will follow on an ad hoc basis. In order to function effectively, societies need to institutionalize the coordination of actions and no society has yet figured out how do so without delegating at least limited decision-making powers. At the level of organizing global society, citizens on matters of common global interest have almost exclusively come to accept the obligation to follow the legal commands of national authorities as opposed to global authorities. And, those in democratic societies have not demanded the same opportunity to participate in global decision-making that they have come to expect in national decision-making.

The international institutional configuration that has resulted does not measure up to contemporary standards of fairness and democracy. Certain national authorities dominate the global system, and citizens with access to those national authorities can leverage that access into tremendous influence over the course of international events. Average citizens in less powerful countries are, in contrast, largely powerless to influence global events. This stark inequality of power has lead to pervasive feelings of exclusion, anger and alienation and has no doubt become a major contemporary cause of global tensions.

The global situation would be very different if global citizens all had an equal vote in selecting global authorities whose legal commands they came to follow on matters of common global concern. Then at least at the level of formal political structure, all citizens would have a fair say in decision-making.

What I am describing, is almost universally believed to be intrinsic to domestic democracy, a popularly elected parliament, or what, in Montesquieu's terms, might be thought of as the first branch of global governance.

Richard Falk and I have long argued for a global parliament. In this article I wish to address specifically how such a global institution might be practically instituted given present-day political realities. I compare four approaches for bringing about such an organization. If any of the four could be successful, the democratic principle that citizen followership should be conditioned upon democratic leadership would be for the first time introduced into the global system.

II. FOUR APPROACHES, BUT ONE COMMON PRINCIPLE

The one principle common to the four approaches to creating a Global Parliamentary Assembly (GPA) is that the parliament begins initially as a largely advisory body rather than a full-fledged legislative assembly with binding powers. The most successful example of a popularly elected transnational parliament is the European Parliament, and that institution of the European Union started in the early days of European integration with only advisory powers. Today, half a century later, it has attained for itself a considerable role in European Union lawmaking[1] and there continue to be important proposals for further strengthening its powers.[2]

What we can draw from the experience with the European Parliament is that postponing the day in which the GPA will have significant legislative powers enhances its political viability because it encourages those who are presently powerful to focus more on the organization's abstract neutral benefits than on how it might negatively impact their short-term political interests. Of particular importance, this would apply to political leaders who would largely be ceding to the parliament their successors powers, rather than their own.

Starting the GPA in a modest way as an advisory body, as the price to pay for initial political viability, does not mean that the parliament could not come

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1. Since 1970 the European Parliament has, in stages, gained a considerable role in legislative decision making within what is today the European Union. The vast majority of decisions now require approval by the Parliament. *See* Wilhelm Lehmann, *European Parliament Fact Sheets* 1.3.1, http://www.europarl.europa.eu/facts/1_3_1_en.htm; Wilhelm Lehmann, *European Parliament Fact Sheets* 1.3.2, http://www.europarl.europa.eu/facts/1_3_2_en.htm.

2. The proposed European Constitution (the ratification of which was suspended following its defeat by voters in France and the Netherlands) gave considerably enhanced powers to the European Parliament. The growing number of countries in the European Union is making it increasingly difficult for national leaders to reach the degree of consensus required for decision-making. Consequently, suggestions are being forwarded that important decisions can be better made by the European Parliament. *See, e.g,* Europe Info. Serv., *Future of Europe: Reinforced Cooperation Cannot Be Excluded as an Option,* EUROPEAN REPORT, Feb. 9, 2007 (available via subscription; on file with author).

to play a central role in global governance. Even in its early days, despite the parliament's lack of formal powers, it would be well positioned to bring about some measure of accountability to the global system. If, for example, it suspected that various international organizations were engaged in malfeasance or nonfeasance, it could hold hearings and issue reports. By virtue of being the one popularly elected body at the global level, its reports would carry the weight of moral authority and have a strong claim to be taken seriously. And over the long term it is likely that the parliament would grow far beyond its relatively humble beginnings. By virtue of its democratic legitimacy it would be poised to assume the sorts of powers that are typical of parliaments all over the world.

Citizen groups would likely seek to have the parliament's moral authority associated with their cause. For example, groups critical of existing international economic organizations such as the International Monetary Fund, the World Trade Organization and the World Bank would very likely petition the parliament to condemn various policies of those organizations. Representatives of those organizations, or other interest groups with contrary positions, are not likely to concede the legitimacy of the only popularly elected global body. Rather, as is the case with national parliaments, the global parliament would provide a political forum where the various interests would come together, and through the intermediation of their elected representatives, work out legislative compromise that could be formally and finally agreed upon by the parliament. The likely result is that these global interests would come to have a sense of ownership in the parliament, its processes and outcomes.

As the planet's organized citizenry began to reconfigure itself beyond the limitations of separate and discreet orbits around national parliaments into a new common orbit around a GPA, over time the parliaments formal powers would likely come to reflect this new political reality. Not only would the organized citizenry be inclined toward supporting the legal force of legislative results that were fashioned in response to their input, but an existing parliament could powerfully lobby governments on behalf of expanding its own powers. In a world where democratic elections have become the litmus test for legitimate governance at the local, provincial and national levels, the parliament's claim to exercise increasing authority in the name of the global citizenry would be hard to resist.

Also furthering the parliament's gradual increase in powers would be its own elected representatives. Presently there is no global institution whose constituency is the world's citizenry. The United Nations is a society of states, and the institutional loyalties of the representatives of those states are oriented toward championing the prerogatives of their states, even at the expense of an organizationally successful United Nations. The sole institutional affiliation of those elected directly to the parliament would be the parliament, and their professional status would be tied directly to the growth and empowerment of the parliament.

Perhaps the greatest reason to believe that the parliament could expand its powers within the international system is that the system is missing a large component of the machinery of effective governance. The international system has no center. There is no body to coordinate, harmonize or oversee the balkanized global bureaucracy. International organizations, whether they deal with health, labor, trade, weapons, or other matters, are all separate bodies, often created by independent treaties. Because it is well established in the popular imagination that parliaments oversee agencies of government, and there is no other candidate to play this role at the global level, the GPA would be poised to take its central place in the international system as the vertical link to the citizenry and the horizontal link between the various international organizations.

Proclaiming that an initially advisory body could incrementally, through the power of popular legitimacy, become an important international organization begs the question of how even an initially modestly empowered body could be conceived in today's world. This is the threshold question to which I will now turn. Of the four alternative approaches I will consider, the first and perhaps most obvious one is to amend the United Nations Charter to create a parliament as part of the United Nations. The second approach is for the General Assembly of the United Nations to create the parliament pursuant to its powers under the United Nations Charter to establish "subsidiary organs." The third approach is for civil society on its own initiative to create the parliament outside of official United Nations or interstate treaty processes. Finally, the fourth approach is for willing states to enter into a stand-alone treaty creating the parliament.

III. THE FOUR APPROACHES TO ESTABLISHING A GPA

A. Amendment of the United Nations Charter

Pursuant to Article 108 of the United Nations Charter, amendments to the Charter require approval by a two-thirds vote of the United Nations General Assembly and subsequent ratification by two-thirds of the members of the United Nations, including all of the permanent members of the United Nations Security Council.[3] Article 109 of the Charter somewhat less onerously allows for a Charter review conference to be established by a two-thirds vote of the General Assembly and an affirmative vote of any nine members of the fifteen-member Security Council.[4] Any alteration of the Charter coming out of the review conference, however, must similarly be approved by two-thirds of the conference and ratified by two-thirds of the United Nations membership including all of the permanent members of the Security Council.[5]

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3. U.N. Charter art. 108.
4. Id. at art. 109, para. 1.
5. Id. at art. 109, para. 2.

Amendment of the United Nations Charter pursuant to Articles 108 and 109 provide what might be called the classical route to creating a GPA. This was the approach adopted by early world federalists such as Louis Sohn and Grenville Clark in their 1958 book *World Peace Through World Law*, which includes an elected parliament as part of their scheme to turn the United Nations into a limited world government.[6] While the currents of historical change are not always predictable, the political barriers that are likely to stand in the way of such an approach would appear formidable. The mixed results of the United Nations' most recent experience in 2005 with significant reform showed just how politically difficult the U.N. reform process can be.[7] Even getting a proposal for a parliament on the United Nations reform agenda would be a difficult task. For example, neither of the two reports written for the Secretary General in advance of the 2005 reforms—the *Report of the Panel of Eminent Persons on United Nations Civil Society Relations*[8] and the *Report of the Secretary General's High Level Panel on Threats, Challenges and Change*[9]—mentioned an elected chamber of the United Nations.

Also, significantly none of the 2005 reforms, which have been implemented, have required amending the United Nations Charter. Clearly, convincing two-thirds of the organization's membership to approve amending the Charter to create a parliament would not be easy, and ratification by that number of states would even be more difficult. Finally, securing the affirmative votes of all of the veto-welding members of the Security Council, given the reluctance of some of these countries to support progressive international initiatives, would likely be quite difficult. Perhaps, however, as Joseph Preston Baratta has suggested in *The Politics of World Federation*, the permanent member veto would not have to be the final word. He finds inspiration in the observation that the delegates to the United States Constitutional Convention of 1787 provided for ratification by nine of the thirteen states, instead of unanimously, as required by the Articles of Confederation. Perhaps, if the politics was auspicious, the international community would accept a U.N. Charter review conference providing that a new Charter go into effect despite a permanent member veto.[10]

While creating the political will to amend the U.N. Charter would be very difficult, even assuming the problem of the veto could be dealt with, a GPA initiated by way of Charter reform would likely be accepted as the most legitimate.

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6.   GRENVILLE CLARK & LOUIS B. SOHN, WORLD PEACE THROUGH WORLD LAW: TWO ALTERNATIVE PLANS xlii-xliii (3d ed. enlarged 2d prtg. 1967) (1958).

7.   *See* U.N. GAOR, 60th Sess., U.N. Doc. A/60/355 (Sept. 14, 2005).

8.   *See* U.N. GAOR, 58th Sess., U.N. Doc. A/58/817 (June 11, 2004).

9.   U.N. GOAR, 59th Sess., U.N. Doc. A/59/565 (Dec. 2, 2004).

10. 1 JOSEPH PRESTON BARATTA, THE POLITICS OF WORLD FEDERATION: UNITED NATIONS, UN REFORM, ATOMIC CONTROL 16 (2004).

B.   Creation by the United Nations General Assembly as a Subsidiary Organ

Article 22 of the United Nations Charter empowers the General Assembly to "establish such subsidiary organs as it deems necessary for the performance of its functions."[11]   The proposal that the General Assembly acting under Article 22 create a parliamentary assembly as a "subsidiary organ" has been suggested on several occasions over the years. For example, Erskine Childers and Brian Urquhart endorsed this approach in their 1994 book, *Renewing the United Nations System*.[12] Recently it has been proposed by the Committee for a Democratic U.N.[13] The idea is attractive in that it provides a way around the cumbersome United Nations Charter amendment process, but it is not without political difficulties of its own.

Whether a parliament can be properly characterized as a *subsidiary organ* of the General Assembly and whether it can be properly deemed *necessary for the performance of its functions*[14] is legally questionable in that the parliament would not be answerable to that body. Indeed, the entire rationale for a parliament is to introduce into global decision making an independent popularly representative body. While the General Assembly has in the past, established autonomous entities such as the United Nations University, none of its creations have been intended to be an independent source of political authority. The International Court of Justice has opined in the 1987 United Nations Administrative Tribunal advisory opinion that the General Assembly cannot delegate powers to a subsidiary organ that it does not itself possess or are not implied as consistent with the overall structure of the Charter.[15] Since the General Assembly does not have the power to represent directly the citizens of the world, and the United Nations is structured under the Charter as an interstate organization, opponents of the project could challenge the General Assembly's powers to create a parliament.

Regardless, however, of the General Assembly's actual legal authority to create a parliament, the United Nations has no institutional mechanism to prevent a resolute Assembly from acting. Rather, in a political conflict where more than a few governments will oppose the General Assembly's creation of a parliament as a perceived threat to their power, legal arguments would become fodder in the political debate. Of significance in determining whether

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11. U.N. Charter art. 22.
12. ERSKINE CHILDERS & BRIAN URQUHART, RENEWING THE UNITED NATIONS SYSTEM (1994).
13. ANDREAS BUMMEL, COMMITTE FOR A DEMOCRATIC U.N., DEVELOPING INTERNATIONAL DEMOCRACY: FOR A PARLIAMENTARY ASSEMBLY AT THE UNITED NATIONS 75 (2005) (Strategy Paper), http://www.uno-Komitee.de/en/documents/unpa-paper.pdf.
14. U.N. Charter art. 22 (emphasis added).
15. The Effects of Awards of Compensation Made by the United Nations Administrative Tribunal, Advisory Opinion, 1954 I.C.J.47 (July 13), case summary available at http://www.icj-cij.org/docket/index.php?sum=113&code=unac&p1=3&p2=4&case=21&k=d 2&p3=5.

the parliament's opponents would prevail is whether the decision by the General Assembly to create a parliament would be regarded as an "important question" under Article 18 of the Charter requiring a two-thirds as opposed to majority vote.[16] While Article 18 specifies certain voting matters as important questions,[17] additional unspecified matters are also according to its terms important questions, but there is a surprising lack of precedent on which other matters qualify. Specifically for our purposes, as most subsidiary organs have been approved by consensus, the requisite vote required for their establishment is unclear.

Whichever majority is required, however, the overall decision-making structure of the United Nations does not favor the forces of institutional change. Guardians of the status quo have historically enjoyed great success in keeping reform proposals from gaining enough initial traction to appear on the General Assembly's agenda. Most initiatives have quietly died in committees or have otherwise been buried in bureaucracy.

A related problem is that the need to gain the requisite support within the General Assembly for the establishment of a parliament suggests the need for problematic political concessions. For example, presumably responding at least in part to such concerns, the Committee for a Democratic U.N. proposes in its paper that its parliamentary assembly be composed initially of representatives of national parliaments with direct popular elections to occur at an indefinite time in the future[18] and that all U.N. member states could send representatives to the parliament, regardless of whether they come from a legitimately democratically elected parliament.[19]

There is nothing inherently wrong with beginning as a parliament of parliamentarians. In fact, in favor of this approach is the weight of historical example. The European Parliament, the most successful example of the creation of a transnational parliament, began that way in the earliest days of European integration and fulfilled its promise to convert to direct popular election in 1979.[20] Yet, there are dangers in this approach. As has happened

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16. U.N. Charter art. 18, para. 2.
17. These questions include:

> recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council . . . the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

Id.

18. BUMMEL, supra note 13, at 78-79.
19. Id. at 90-91.
20. The founding treaties of what later become the European Union provided that members should be initially appointed to the parliament by their own national parliaments, but that direct elections should occur at a time in the future when the European Council adopts appropriate arrangements. See DAVID JUDGE & DAVID EARNSHAW, THE EUROPEAN PARLIAMENT 26-44 (2003). For the most important organic treaty, see Treaty Establishing the

in other interparliamentary bodies, national parliamentarians may come to feel a sense of ownership in the parliament and be reluctant to promote the evolution toward independent elections. And, every day that elections are extended will delay the growth in the parliament's political influence. Without the public ritual of popular elections to draw publicity and legitimize the parliament, the organization would be unlikely to be noticed. Also, with the national parliamentary representatives' job security dependent upon reelection to their own national parliaments, their day jobs will remain their primary focus. Unlike parliamentarians who are elected specifically to serve in the GPA, national parliamentarians would not see their careers and reputations as tied to building the growth and influence of that organization. Instead, for them it will be primarily a networking forum where issues of common concerns can be discussed with colleagues from other national parliaments.

More troubling is the suggestion that all U.N. member states, regardless of whether they possess democratically elected parliaments, send representatives to the United Nations Parliament. This would undermine the credibility of the organization and compromise its ability to act as an alternative to authoritarianism.

C.   Civil Society Organized Elections

The third approach to creating a GPA is for major actors from international civil society to establish a provisional structure for the parliament themselves and to organize and carry out elections. If this approach were followed, the parliament would start as an unofficial body and its empowerment would be reliant exclusively upon its unique claim to a popular mandate described above.

This is the strategy for creating the parliament that my colleague Professor Richard Falk and I first proposed when we began advocating for a GPA.[21] It

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European Community art. 19, Dec. 24, 2002, 2002 O.J. (C 325) 33, available at http://eur-lex.europa.eu/en/treaties/dat/12002E/pdf/12002E_EN.pdf. The European Parliament first submitted a draft convention for direct popular elections in 1960, but the European Council did not adopt it or forward it to the member states. By 1974, the problems caused by representatives having dual mandates (to their own parliaments and to the European Parliament) had become increasingly apparent, and the Parliament submitted a revised draft convention, which was adopted in 1976. *See* SCHELTO PATIJN, EUROPEAN PARLIAMENT, POL. AFF. COMM. RAPPORTEUR, ELECTIONS TO THE EUROPEAN PARLIAMENT BY DIRECT UNIVERSAL SUFFRAGE 11-12 (1974) (Draft Convention with Explanatory Statement), available at http://aei.pitt.edu/5184/01/000478_1.pdf; *as adopted*, COUNCIL DECISION AND ACT CONCERNING THE ELECTION OF THE REPRESENTATIVES OF THE EUROPEAN PARLIAMENT BY DIRECT UNIVERSAL SUFFRAGE, (Sept. 20, 1976), available at http://www.bundeswahlleiter.de /europawahl2004/downloads/decisionandact.pdf.

       21. Richard Falk & Andrew Strauss, *On the Creation of a Global Peoples Assembly: Legitimacy and the Power of Popular Sovereignty*, 36 STAN. J. INT'L L. 191 (2000); Andrew Strauss & Richard Falk, *For a Global Peoples' Assembly*, INT'L HERALD TRIB., Nov. 14, 1997, available at http://www.iht.com/bin/print_ipub.php?file=/articles/1997/11/14/edstraus.t.php.

is also the approach suggested by George Monbiot in his book A Manifesto for a New World Order.[22] As we explained in the year 2000 in the Stanford Journal of International Law:

> [A] GPA need not be established by a traditional inter-state treaty arrangement. Globalization has generated an emergent global civil society composed of transnational business, labor, media, religious and issue oriented citizen advocacy networks with an expanding independent capacity to initiate and validate a GPA.
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>   . . . .
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>   . . . Uniquely, a GPA would have a claim to authority independent of whether or not it received the formal blessings of the state system.[23]

To begin such a civil society initiating process one might envision a call emanating from a panel of political and moral authority figures, such as former heads of state, Nobel Peace Prize winners and major religious figures. If a critical mass of respectable civil society organizations responded positively to this call, the panel could oversee a series of civil society meetings culminating in a final conference whose purpose would be to adopt a political framework for the parliament's creation. Civil society would then have the task of organizing and holding elections. Presumably, elections would occur in all countries where they were not banned and political conditions allowed for free campaigning.

Needless to say, all of this would be extremely difficult to implement both politically and logistically. Civil society is inchoate and has no preexisting structure for making collective decisions. Putting in place the decision-making process for less ambitious projects such as the World Social Forum has been difficult and contentious,[24] and that project in particular has worked largely because its decentralized nature has kept the need for common decision making to a minimum.[25] Creating out of whole cloth a widely agreed upon decision-making structure, capable of resolving such politically fraught topics as provisional voting formulas and electoral districts would be daunting, even for a skilled panel of authority figures.

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22. GEORGE MONBIOT, THE AGE OF CONSENT: A MANIFESTO FOR A NEW WORLD ORDER 88-98 (2003).

23. Falk & Strauss, supra note 21, at 194, 206-207 (citation omitted).

24. For a discussion of the early organization of the Forum, see Naomi Klein, A Fete for the End of The End of History, THE NATION, Mar. 19, 2001, at 19, 22. ("The organizational structure of the forum was so opaque that it was nearly impossible to figure out how decisions were made or to find ways to question those decisions. There were no open plenaries and no chance to vote on the structure of future events. In the absence of a transparent process, fierce NGO brand wars were waged behind the scenes . . . ."); see also Teivo Teivainen, World Social Forum: What Should It Be when It Grows up?, OPENDEMOCRACY, July 10, 2003, at 3, http://www.opendemocracy.net/content/articles/PDF/1342.pdf.

25. The World Social Forum allows civil society organizations to self-organize their own events under the umbrella of the Forum.

The project may become more politically manageable by substituting initiation of the GPA by existing political parties for civil society as a whole. While also lacking a process for making collective political decisions, such parties, numbering far fewer than civil society organizations in general, are likely to be less unwieldy. In addition, they already provide the infrastructure for electoral politics and might look favorably on an opportunity to expand their arena. Regardless, however, of which nongovernmental organizing entities were to take the initiative to begin the parliament, the barriers to reaching agreement and acting on that agreement are significant.

Finally, funding would have to be secured to underwrite the cost of the elections and the initiation of the parliament. If the costs of domestic elections and operating expenses of existing parliaments are a guide, the sums would greatly exceed the amounts that have thus far been devoted by the nongovernmental sector to international political initiatives.

D. An Interstate Treaty Process

Finally, a GPA could be established by way of a stand-alone treaty agreed to by whichever internationally progressive countries were willing to be pioneers. Even twenty to thirty economically and geographically diverse countries would be enough to found the parliament. The treaty agreed to by these countries would establish the legal structure for elections to be held within their territories including a voting system and electoral districts. In addition, an operational framework for the parliament, including its mandate and limitations on its powers would be included in the treaty as would a provision for future accession by other countries. Any country could later join the parliament so long as it was willing to meet its obligations under the treaty, the most important of which would be to allow its citizens to vote representatives to the Parliament in free and fair elections.[26]

A stand-alone treaty organization whose membership may not be the same as the United Nations is not a novel concept. Most major international bodies such as the Bretton Woods organizations, the World Trade Organization and the World Health Organization, to name but a few, have been created in this way. Most significant, this approach was used to establish the International Criminal Court, whose membership famously does not include the United States, nor for that matter Russia or China (though Russia is a signatory).[27] In the case of the International Criminal Court, specific treaty provisions align that organization's processes with those of the United Nations. Most

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26. Professor Falk and I have developed this argument in several places, including *Foreign Affairs* and *The Nation*. *See* Richard Falk & Andrew Strauss, *Toward Global Parliament*, 80 FOREIGN AFF. 212 (2001); Richard Falk & Andrew Strauss, *Toward a Global Parliament*, THE NATION, Sep. 22, 2003, at 28.

27. International Criminal Court, Establishment of the Court, http://www.icc-cpi.int/about/ataglance/establishment.html.

significant are terms providing for the Security Council to refer criminal cases to the Court.

Likewise, the GPA treaty could also include provisions defining its initial role vis a vis the United Nations, and once established the parliament could enter into a relationship agreement with that body.[28] It would be important to be clear that the parliament, though begun independent of the United Nations, was meant to strengthen, and not replace, that organization. Part of the Parliament's treaty-based responsibilities, for example, could be to weigh in with its own vote on certain specified categories of United Nations General Assembly resolutions. General Assembly resolutions are themselves largely recommendatory, and by insinuating a democratic voice into the process, the resolutions that passed both bodies would be more noticed and deemed more legitimate. Backed by the weight of popular authority over time, perhaps the General Assembly and the GPA could evolve together into a truly bicameral legislative system capable of producing binding legislation.

This approach to creating a GPA by interstate treaty process is the one that Richard Falk and I have come to promote as the most promising. It offers strategic advantages as compared to either of the two proposals for creating the Parliament through the machinery of the United Nations. Even under the second relatively less cumbersome process of the General Assembly voting to create the parliament as a subsidiary organ, a core group of sponsoring countries would have to overcome a formidable combination of bureaucracy, indifference and opposition to gain traction within the United Nations. Under the stand-alone treaty approach, however, power would shift to those countries that are willing to proceed on their own. No one could stop them. And once it became clear that the GPA treaty initiative had left the station, it would likely gain momentum as other less proactive countries would have an incentive to take part rather than be sidelined in the creation of an important new international organization.

Beyond this strategic leveraging of support, countries that are truly supportive of the GPA's democratic mission are likely to create the best, most democratic organization. They would not be forced to make the kinds of antidemocratic concessions that passage by the United Nations might require.

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28. The U.N. Charter provides that: "The Economic and Social Council may enter into agreements with any" agency "established by intergovernmental agreement and having wide international responsibilities." U.N. Charter art. 63, para. 1; id. at art. 57, para. 1. These agreements "defin[e] the terms on which the agency concerned shall be brought into relationship with the United Nations[,]" and "shall be subject to approval by the General Assembly." U.N. Charter art. 63, para. 1. Relationship agreements typically provide for the exchange of information, common facilities and assistance, cooperation in financial and administrative matters, and the mode of debate and agenda setting. See U.N. Joint Inspection Unit, *Relationship Agreements Between the United Nations and the Specialized Agencies: Review and Strengthening of Sections Pertaining to the Common System of Salaries, Allowances, and Conditions of Service*, U.N. Doc JIU/REP/93/3 (1993), available at http://www.unsystem.org/jiu/data/reports/1993/en93_03.pdf. Relationship agreements may also reaffirm the independence of the organization entering into relationship with the United Nations, as did the International Criminal Court in its relationship agreement with the U.N. International Criminal Court, International Cooperation, http://www.icc-cpi.int/about/ataglance/cooperation.html.

Later, if a critical mass of countries were to join the parliament, there might come a time when it would be politically untenable for holdout governments to deny their people the right to vote in the only globally elected body. At that point those governments would not be in a position to compromise the integrity of the organization, but would have to join the GPA on its own democratic terms.

Finally, relative to civil society organizing elections, an interstate treaty process does not suffer from the absence of a decision-making structure that would undermine the ability of nongovernmental organizations to act collectively. States have a long-accepted and highly defined collaborative process for entering into treaty arrangements, including those establishing new international organizations. Also, state sanction for the GPA by way of treaty would confer an additional layer of legitimacy upon the organization, and states have access to the resources to finance the project that civil society lacks.

IV. CONCLUSION

We all belong to multiple geographical communities, local, provincial, national and international. People who consider themselves committed democrats often take it as a first principle of politics that all of these communities should be organized along democratic lines—all that is except for the international whose democratic failings many commonly overlook. In the age of globalization this exception is anachronistic and dysfunctional. It means that the normal dynamics of parliamentary politics stop at water's edge. In domestic democratic politics parliamentary coalitions are fluid, and while they are affected by party loyalties and discipline, such coalitions transcend geographical boundaries. Parliamentarians, representing voting constituencies, stand with some colleagues on some issues and other colleagues on other issues regardless of from where they hail.

In the international system, on the other hand, all of the citizens of a certain nationality, and/or within a certain geographical area, are part of a permanent coalition frozen into the institutional mold of the state. This permanent coalition in theory, and largely in practice, speaks with one voice in international affairs. It doesn't matter that citizens within the state may find that on certain global issues their political affinities or interests match more closely with the positions taken by other states.

This structure gives those who capture political control of the permanent coalition that is the state the ability to wage war. At their disposal is the capacity to field organized armed forces fueled by nationalist sentiment. Parliamentary coalitions, on the other hand, because of their constantly changing conditional composition are not centrally controlled, and do not engender nationalistic feelings of group identity, nor do they field armies. While violence can break out within the context of a parliamentary system, it is

antithetical to, rather than consistent with, the structure of that system, a system which is after all dedicated to the principle of irenic decision making.

In this article I have tried to explore concretely how such a parliamentary system might be introduced into the global arena. With the understanding that what is feasible and practical is highly contingent upon unknown political developments, my goal has been to present what amounts to an historical work-in-progress rather than final conclusions. As David Kennedy has, for example, argued elsewhere in this volume "rupturing historical forces" could dramatically change the political context in which we are operating. What seems highly improbable now may seem suddenly possible, or what seems possible now may seem suddenly highly improbable. The challenge, which I have tried to meet in this article, and the ongoing challenge for all of us who wish to contribute to making the global system more democratic, is to continue to adopt our ideas, strategies and practices to a global political context which is constantly evolving. Then, it can be hoped that, as opportunities present themselves, we will be ready.