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Inter-Parliamentary Union

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1 Introduction

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

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

2.1 The purpose of founding an inter-parliamentary organization in the 19th century

The IPU¹ today is the world organization of parliaments. It is the 'focal point for worldwide parliamentary dialogue' and works 'for peace and co-operation among peoples and for the firm establishment of representative institutions' (IPU 1976, Art. 1(2)). Founded in 1889 as the first international political organization ever, it has developed since then from an organization of individual parliamentarians of mostly European states towards a global organization of 153 parliaments and eight associate members (international parliamentary assemblies) in 2009.

The foundation of the IPU as an organization of individual parliamentarians in 1889 can be traced back to the peace movement of the 19th century, which had elevated international arbitration and disarmament as its main goals (Uhlig 1988, 48–64; Zarjevski 1989, 55). In the year 1888, two parliamentarians, the English William Randal Cremer and the French Frédéric Passy, took the initiative to convene a conference of parliamentarians in order to call for an arbitration agreement between the UK, France and the USA. Shortly before this initiative, a similar Memorial of 234 British parliamentarians, requesting a US-UK arbitration agreement and presented to US President Grover Cleveland under the leadership of Cremer, had failed regardless of the support of both the US Senate and the House of Representatives Chamber of Congress (Cremer 1906, 509–10). Passy, on the other hand, had successfully pressed for the adoption of a motion in the French parliament which unfortunately could not be implemented before the end of the session. Thus, Cremer and Passy arranged for a first meeting of British and French parliamentarians in October 1888 in Paris, which decided to convene a plenary conference of parliamentarians from different countries with the aim to discuss arbitration and disarmament in Paris the year after. On 29–30 June 1889 around 100 parliamentarians from nine countries² met in Paris at the Hôtel Continental. At the end of the conference, the parliamentarians unanimously passed

the following resolution: 'Further Interparliamentary Reunions shall take place each year in one of the cities of the various countries represented at the Conference. The next meeting shall be at London' (Davis 1906, 128). Thus, the Inter-Parliamentary Union was born.

Following the meeting, the Union very quickly developed an organizational structure, the basic characteristics of which have not changed to this day. As regards content, until the First World War it dealt with the peaceful settlement of international disputes, especially compulsory arbitration, good offices, mediation and enquiry, with the limitation of armaments, problems of neutrality, the rules of warfare at sea and in the air, individual rights and private international law. However, its main success was the establishment of the Hague Court of Justice at the first Hague Conference in 1899, which was decisively influenced by an IPU draft treaty. The IPU draft had been adopted in 1895 and was contained in a so-called 'Memorial to the Powers', which the author of the Memorial, Baron Descamps, had sent to governments.³ The Union had been pressing for the convocation of an international governmental congress for the peaceful settlement of disputes through arbitration since 1894. However, the initiative to call for such a conference—first reduced to the question of armaments and only later enlarged to include also the question of good offices, mediation and voluntary arbitration—was taken by the Russian Tsar Nicholas II, influenced by one of his diplomats who had participated in an IPU Conference some years earlier (Lange 1927, 10–13). The result of this first Hague Conference—the first conference convened in order to prevent future wars and to codify humanitarian law instead of merely concluding a peace treaty—is widely known: it adopted the Hague Convention for the Pacific Settlement of International Disputes. The Convention also established the Hague Court of Arbitration, the first ever international court. With regard to that court, the governmental drafts for the convention undoubtedly were influenced by the Union's Memorial. The author of the Memorial, the parliamentarian Lord Descamps, was the rapporteur of the respective committee. In the following, individual IPU members also were influential in bringing about the first arbitration proceedings before the Court in 1902 and were part of the proceedings.

The Union similarly was instrumental in launching the convocation of the second Hague Conference in 1907, when Secretary-General of the Union Albert Gobat delivered a personal message in the name of the Union to US President Theodore Roosevelt in 1904. However, the IPU's model draft treaty of 1906, aimed at introducing compulsory arbitration, was less successful than its forerunner of 1895. Even though accepted, after some changes, by the majority of governmental representatives present, it could not be adopted given the necessity of unanimity requested at that time. Altogether, it is no exaggeration to conclude that the Union at the beginning of the last century contributed significantly to the development and codification of international customary law in the field of arbitration. Moreover, with its work on the permanent organization of the Hague Conferences, the IPU played some role in the setting-up of the League of Nations after the First World War. Especially, an IPU draft on the establishment of a permanent court was taken as the basis for negotiations on the Statute of the League's Permanent Court of International Justice in 1920. Due to these first developments, it is not surprising that during the first 40 years of existence of the Union, 11 Nobel Peace Prize winners, among them one of the two first in 1901, originated from the ranks of the IPU.⁴

However, the most impressive occurrence from the viewpoint of international democracy was the discussion within the Union, on the basis of a US proposal, of the establishment of a world parliament with full parliamentary powers from 1904 onwards. At that time already,

without an international organization in existence, voices within the Union existed who openly propagated a role for the IPU itself as an embryo of a future world parliament (Gobat 1903, 1148–50; Lange 1911a, 14–15; Schücking 1912, 308–9; Quidde 1911, 201).⁵ In the following period, the quarrel over the question of timing and the confusion over a clear distinction between governmental and parliamentary tasks and organs at the international level, since at that time neither international organizations nor any other embryonic form of world government existed, led to the quasi-abandonment of the idea. Another controversy was the question of whether the role of a world parliament should be assigned to the Union itself. In the end, a governmental organization of the world was promoted rather than some representation of the people as such. Yet, the intention of the Union, namely to reduce governmental power in foreign affairs, remained one of its main goals throughout that time: '[L]a Conférence interparlementaire a été fondée précisément dans le but de réduire le rôle de la diplomatie, et d'augmenter l'influence des parlements sur les affaires internationales à l'effet de régler celles-ci conformément aux lois de la justice' (Gobat 1895, 266).

The success of the Union at that time and its popularity in public opinion can be put down to the fact that the Union impressed through a new form of international administrative and conference organization, the activist commitment of its individual membership rooted in the peace movement of its time, but often at the same time representing its governments at international conferences, the expertise-based elaboration of new and revolutionary ideas, frequently in form of international draft treaties, directed towards a progressive development of international law, and the concentration on mainly one goal, namely, 'peace through arbitration', with the aim of establishing a world-wide order of law and peace. Its clumsy inner organization, its dependence on elections and the existence of parliaments, the emphasizing of inner reform instead of external assertion, the absence of social-democrats within the organization, its slow drifting away from the peace movement on the one hand, and the public and the people on the other, but also its hesitation to address current problems on the political agenda and its holding to the principle of non-interference in internal affairs on the other hand, became a stumbling-block for the Union's future success.

2.2 Timing to overcome the international democratic deficit between the wars

The reputation of the Union based on its organizational and content-related successes continued after the First World War, even though it had failed on a popular informative as well as a democratic political power-related level before the war. One of the drafts for the Covenant of the League of Nations, the so-called plan of Lord Robert Cecil, UK delegate to the Paris Peace Conference of 14 January 1919, provided for the possibility of setting up 'a periodical congress of delegates of the Parliaments of the States belonging to the League, as a development out of the existing Inter-Parliamentary Union ... The congress would thus cover the ground that is at present occupied by the periodical Hague Conference and also [, perhaps,] the ground claimed by the Socialist International'.⁶ The IPU reference in this still informal draft was not carried over into the subsequent official proposals of the UK government. However, for many inter-parliamentarians it remained a source of reference with regard to the perspective of an official role of the IPU (Schücking and Wehberg 1931, 166–67; Zorn 1919, 60–61)⁷. Moreover, even though the Union had not been able to prevent the First World War, war also could not prevent inter-parliamentarianism from flourishing between the wars. Nevertheless, power had to be given up to the first international governmental organization established to prevent war, the League of Nations.

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

However, with regard to its own role, the Union did not realize that the balance of power in foreign affairs had changed in favour of governmental representatives at the international arena. Its old enemy—namely, monarchy—had disappeared and a new one had not yet been born. The main goal of the Union now was the support of the League of Nations—a League which, in the IPU's view, would have to become universal (Pohl 1922, 130–31), but the conception of the Union's own role in international democratization was shaped by a jealous fear of losing freedom of action and independence. Thus, those calling for a more than complementing, merely semi-official role of the Union in the framework of the League did not gain a hearing (Council President Adelswärd in *Interparlamentarisches Büro* 1939, 240–41, 37; Weardale 1921, 6–7; Eickhoff 1921, 39; Hasselblatt 1929, 10; Quidde 1922, 16). The Union, by not pursuing these ideas further, lost terrain without a fight. Nevertheless, the relations with the League, which even employed liaison officers for IPU affairs, were good—the Union after all was not an enemy to the League. It had meanwhile moved to Geneva and still many of its members at the same time were governmental representatives at meetings of the League. However, the League dealt with the same questions as the Union and even tackled so-called apolitical issues, such as health issues, scientific and cultural co-operation, refugee questions and migration, or trade in women and children, and this in a much broader and a very successful manner. Moreover, the IPU also remained silent with regard to all the crises straining the international system in the 1930s, even though those concerned the Union's main goals and purposes: namely, the peaceful settlement of disputes, disarmament, the rules of warfare and the development of the League.⁸ In the end, the Union was relegated to the back bench of an international system, the coming into being of which it had itself fervently promoted and supported. The only advantages that could make it stand out from the League were its universal approach and its work for dialogue and co-operation among peoples, between victors and vanquished, between supporters and opponents of the League, and between adepts of the status quo and revisionists.

2.3 After the Second World War: recognizing hard facts and struggling for renewed international relevance

After the Second World War, the Union was mostly forgotten in political circles. Inter-parliamentarians did not contribute in any way to post-war reconstruction. The prestige of the Union had faded, it was running out of money and the high-level contacts to international organizations and governmental circles that were so prominent before the war were slowly crumbling, given the increasing lack of representatives working in parliamentary as well as governmental circles at the same time. The Union itself did not seem to be willing to come closer to the new international organization replacing the League, the United Nations (UN). The IPU stayed in Geneva and did not move to New York. It changed its Statutes and Rules only 25 years later, in 1971, expressly to mention support of the objectives of the UN—instead of support of a universal organization of nations in general. Moreover, it did not search for a suitable status of the Union at the UN. Given the fact that the Union's parliamentarians themselves could not reach agreement on an attempt to acquire treaty recognition by governments, the Union only was given consultative status with the UN Economic and Social Council (ECOSOC), with few possibilities to influence politics and relegating the parliamentary organization to the status of a non-governmental organization (NGO).⁹ Whether the reason for this was continued clinging to independence or rather a complete misjudgement of the situation is not quite clear. However, the idea to change the Union into a sort of world parliament remained a vision of some inter-parliamentarians also during that time (Rens 1963, 14; Stansgate 1951, 324; de Blonay 1967, 9; Boissier 1955, 171–73; Douglas 1975, 87), and even led to internal discussions within the IPU immediately after the war (1945–52). Yet, the Union's goal of universalism, combined with the East–West conflict, the Iron Curtain, and the thinking in blocs within the Union (Pobulić 1976, 24–26) forestalled any change in attitude since communist parliamentarians saw this project as contrary to their own internationalist peace movement. The United Nations, on the other hand, blossomed to become some sort of overarching bond of international relations, able to work for universalism and international co-operation and peace alike, all original goals of the IPU. The Union first remained an important centre for informal rapprochement of international opponents as a precondition for peace talks,¹⁰ but in time it lost power and radiation intensity. The only achievements it could demonstrate were some novel proposals for codification, its successful striving for universality and the abandonment

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of the principle of non-interference in internal political affairs—a first step towards parliamentary political control of foreign affairs.

With regard to its work, the IPU continued to deal with the peaceful settlement of disputes and the preservation of peace, with the development of the law of war and peace through disarmament, the support and development of the United Nations, the codification and development of international law, with the representative system, minorities and apartheid, foreign aid and decolonization, economic and trade issues, social and humanitarian questions (food shortage and nutrition, population questions, disadvantaged groups, refugees and migration, health questions and drugs trafficking, and terrorism), and intellectual relations. However, its resolutions did not bring about any results in actual politics any more. The increase in the Union's membership, the deficiency of university professors in its ranks, and the complexity of information and problems to be resolved had watered down the outcome of its conferences and had taken away its progressiveness. Yet, from the 1970s onwards, the Union discovered new fields of concern which were meant to become its major achievements in the forthcoming years. It developed approaches towards human rights, established a complaint procedure for the violation of human rights of parliamentarians, prepared and accompanied the governmental Conference for Security and Cooperation in Europe (CSCE) process at the parliamentary level through Inter-Parliamentary Conferences on European Cooperation and Security (Gheballi 1993), tackled environmental questions, fervently worked for an equal representation of women in parliaments, and set up a technical assistance programme for parliaments of mostly new democracies.

The 1970s also became a turning point from another point of view. For the first time, the Union realized that times had changed, that it had lost relevance, but that it could take on a role in some forgotten areas of international life: democracy. Given the fact that reform of the Union largely was overdue, it started an immense internal and external reform process. However, the internal reform process lost its force in the bureaucratic jungle of Statute changes which resulted in organizational rigidity, coming along with a loss of power and of options for action of different organs of the Union,¹¹ and consequently the de-politicization of its work. With regard to external reform, its efforts were more successful. They included, beside the new goal of supporting the objectives of the UN, the realignment on international organizations and their work in general. Thus, the IPU was able to secure a change in international status through the conclusion of an agreement on its juridical status with Switzerland which conferred on it rights and obligations similar to intergovernmental organizations, especially diplomatic privileges and immunities.¹² Moreover, it intensified its public relations work and increasingly organized specialized conferences and meetings concerning themes of or even parallel to meetings and conferences of or together with the United Nations, its specialized agencies, or with regional organizations. This thematic concentration on specific issues was further elaborated through the revitalization of its work through peace research, an emphasis on some specific fields of concern (human rights of parliamentarians, women parliamentarians, the CSCE process, and the environment) during ordinary or regular specific conferences, and especially its new concern for national democratization and its programme of technical assistance for parliaments (Johnsson 1995, 108–10). Thus, the lacking effect of its resolutions, which had characterized its work during the first decades after the Second World War, partly could be off-set and was further reversed by a zealous follow-up of decisions and resolutions adopted. Here, one advantage of the Union constituted its ability to find broad consensus on issues which, in governmental circles, were still controversial—as happened in the difficult CSCE process. Consequently, the Union could regain some of the progressiveness that it had before the world wars. However, developments were slow and the Union had to accept that governmental organizations, in working with the Union, first of all had their own interests in mind. Thus, the IPU did not recover much of its former political influence, nor could it score an increase in its visibility or in the general knowledge about its work. Last but not least, its hesitation to apply for observer status at the UN General Assembly or to accept first and prudent steps to combine inner reform with external content-related visibility in the sense of constructive and future-oriented contributions to international relations can be blamed for it. The fact that increasingly it had to live with the foundation and flourishing of other international informal inter-parliamentary organizations and networks¹³ and the organization of international parliamentary conferences without its participation from the 1980s onwards, was only a by-product of this. Goals and visions were there, but international relevance still remained reserved for others.

2.4 Developments since 1990

The work of the Union in the 1990s was shaped by a development that could be perceived in international relations in general during that period: the increasing overlapping of issues and themes. Thus, for example, peace and security were now framed as human security. As such, they did not only refer to the IPU's work on dialogue, conflict prevention and crisis management from a theoretical or practical (active parliamentary diplomacy, such as in the Middle East or with regard to Cyprus) point of view, to the control of armaments and the law of war, or terrorism and organized crime, but also included issues such as sustainable development (development, population question, environment, trade and economy), or the so-called human dimension (food shortage, nutrition, poverty, natural disasters, human rights, democracy, disadvantaged groups, health, intellectual relations, etc.). A shift in focus from the CSCE to co-operation in the Mediterranean (Conference on Security and Cooperation in the Mediterranean—CSCM), as well as increased work in geo-political groups, were the new characteristics of the IPU work of this period. Furthermore, support to national democratization processes and technical assistance to new parliaments received a new upswing. In 2003, the IPU set up its own Global Parliamentary Foundation for Democracy, aiming to attract private resources for its democracy-related work.

The renewed—academic and political—discussion in the 1990s on the democratic deficit of international organizations and on the necessity of establishing a parliamentary dimension to the United Nations also instigated a debate on the role of the IPU as part of a prospective reform process of the UN. Again, there were those within the Union attributing to it the position of a real future world parliament (Holtz 2002, 303–4; Roche 2003),¹⁴ but there were also those who openly negated the political feasibility of such a function and pleaded for a parliamentary dimension of the IPU to the UN in the sense of a mere representation of parliaments at the global level (Johnsson 1995, 20–29)—a function certainly required, but leaving unresolved the question of the representation of citizens.¹⁵ Nevertheless, this discussion led to an (ongoing) internal and external reform process within the IPU aimed at making it more relevant, topical and visible in order to help it take on such a parliamentary dimension. However, the internal reform process included a restructuring of the IPU organs without making them too progressive.¹⁶ External reform encompassed the strengthening of co-operation between the IPU and the United Nations through the conclusion of a co-operation agreement between the two organizations in 1996;¹⁷ of other co-operation agreements with UN programmes, trust funds, specialized agencies and departments;¹⁸ the opening of an IPU office in New York representing the Union at the UN in March 1998;¹⁹ the granting of observer status to the Union at the UN General Assembly, including the right to circulate its official documents in the Assembly, in 2002 (UN GA 2002a, 2002b); an annual parliamentary hearing at the UN General Assembly, since 2007 jointly organized with the UN; numerous other joint conferences with international and regional organizations; and the organization of a Conference of Presiding Officers of National Parliaments in 2000 prior to the Millennium Summit of Heads of State and Government and a Second World Conference of Speakers of Parliaments in 2005 on the eve of the High-Level Meeting of Heads of State and Government with the support of the UN.

However, in order to become relevant, topical and visible, the Union still struggles with some basic constraints. The IPU's reputation at the beginning of the 20th century mostly was due to progressive, revolutionary outcomes based on scientific work carried out by its academic membership and to its link to the organized peace movement. Nowadays, the enormous workload has changed parliamentary work profoundly and has mostly excluded university professors from parliaments. Moreover, the link to civil society is not diligently attended to. Another obstacle to innovative proposals may be the large membership of the Union, which has been striving for universality for the last 50 years. The naturally differing views between North and South, the regions, as well as between governing majority and opposition in parliament make it difficult to come up with results going beyond those negotiated by governments. Moreover, the IPU has to contend with the competition of more and more (regional or international) parliamentary assemblies or associations (see above and Kissling 2006b). Last, but not least, there is its own reluctance to pursue the more ambitious goal of becoming a real world parliament, which is at the bottom of it being ignored by broad parts of the world public.

3 Design and structure: the IPU's internal democracy from 1889 to the present

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

3.1 Appointment, democracy at the national level and input legitimacy

With regard to the indicator of appointment, the organization developed a structure largely comparable to its present structure throughout the first five years of its existence. In 1894 the first Statutes of the Inter-Parliamentary Conference were adopted. The governance structure provided for a fourfold (parliamentary) structure: the General Assembly, the political organ of the Union; the Assembly of Delegates with two members of each parliamentary group, preparing the General Assembly of the Conference; a Bureau, with one representative of each group, as the management and executive organ at the same time; and a president presiding over the Bureau.²⁰ Today, these tasks are taken over by the Assembly (political organ), the Governing Council (governing organ), the Executive Committee and the Secretariat (separate tasks, management organ and executive organ), and the IPU president (political head of the organization and ex officio president of the Governing Council). The organization is thus at once single-headed (president), multi-headed (Executive Committee) and self-regulatory (Governing Council). All officers from the beginning were elected²¹ and to this day, this (parliamentary) practice continues.²² Formerly, the members of the then Inter-Parliamentary Conference for International Arbitration²³ were individual members of parliament who constituted a group within parliament with the purpose of maintaining peace through arbitration and the resolution of other questions of public international law. Hence, the membership represented non-governmental and non-state actors rather than state-like or state entities. In 1912 the national groups of parliamentarians within parliaments became the members of the Union (Kissling 2006a, 51), which, nevertheless, did not significantly change the non-state character of its membership.²⁴ This only changed when, in 1990, the Statutes were changed to state that the IPU 'shall be composed of National Groups representing their respective Parliaments', and '[a] National Group shall be created by decision of a Parliament'²⁵—the latter being part of the state structure.²⁶ Finally, in 2001 the parliaments themselves were designated as members of the IPU.²⁷ The IPU itself is a parliamentary body. Since its membership consists of parliaments, these send their delegates to IPU meetings. Thus, members are representatives of national parliaments and not directly elected.²⁸ Free mass media certainly exist and also formerly existed world-wide. However, their interest in IPU affairs nowadays is still limited, apart from events in developing countries which are more likely to catch the eye of national media not used to abundant international meetings taking place. Yet, this was different in the early times of the IPU existence. At that time, IPU conferences met large responses from the press, which was probably due to the role of parliamentarians as intermediators in international conflicts and to the Union being strongly backed by the organized pacifist movement (Kissling 2006a, 80).

Democracy at the national level, the second macro-indicator, depends on the view of what democracy is. From the beginning of the Union, its members had to be parliamentarians, meanwhile even parliaments of sovereign states. Thus, only parliamentary representatives—by now parliaments—of those states that have a parliamentary representation could and can be members of the IPU. Not all states that have a parliament are represented in the Union. However, those that want to be do not have to fulfil certain (formal or qualitative) democratic, e.g. electoral, conditions,²⁹ nor is there a (regular) examination of democratic criteria or principles within a certain state.³⁰ According to Freedom House, 94 of the 153 states with parliaments as IPU members were electoral democracies in 2008, whereas 59 were not (Freedom House 2008). The Union itself follows the principle that it is better to include 'non-democratic' parliaments and to influence them from within, through parliamentary practice in its own realm and through the propagation and development of democratic principles and rules. Thus, besides regular statements on democratic and parliamentary

principles or against undemocratic developments in specific countries (such as Haiti, Myanmar (Burma), Pakistan, or Timor-Leste),³¹ it adopted two leading declarations: the Declaration on Criteria for Free and Fair Elections of 1994,³² and the Universal Declaration on Democracy of 1997,³³ released various publications³⁴ and organized symposia and workshops in this field. Moreover, since the early 1970s the Union has been running a technical assistance programme for parliaments (Kissling 2006a, 590–615), which since 2003 has been complemented by a Global Parliamentary Foundation for Democracy.

The criterion of input legitimacy is scarcely developed at the IPU. Contrary to the formative years of the Union, when IPU members were closely linked to the peace movement of that time,³⁵ a civil society today is largely absent from IPU conferences. Nevertheless, an observer status exists, either on a regular basis or on an occasional basis by invitation.³⁶ Observers can be bodies to which observer status has been granted by the UN General Assembly, and international organizations, which are classified according to four groups, namely: a) organizations of the UN system; b) regional intergovernmental organizations; c) (official) regional or geo-political parliamentary assemblies or associations; d) world-wide non-governmental organizations; and, since May 2006, e) (official) international political party federations. Regular observers only have the right to deliver one speech during plenary debates of the Assembly and its Standing Committees and to make information material available on a special table set aside for this purpose. Those invited on an occasional basis can provide an information document on an item placed on the Assembly agenda for which they have special competence. In exceptional circumstances, the Governing Council can be addressed by invitation from the president (IPU 1999). The first NGO (the International Committee of the Red Cross—ICRC) was present in 1971, the first party federation was accorded observer status in October 2006; meanwhile, 32 parliamentary assemblies or associations have regular observer status, six NGOs³⁷ and one party federation.³⁸ This relative under-representation of civil society at the IPU can be traced back to mutual disinterest, of civil society (especially NGOs) in IPU matters on the one hand, and of the IPU in including a broad and lively civil society on the other hand. Moreover, the civil society present—namely, the parliamentary associations and the party federation, and most of the NGOs—in one or another sense have a link to public powers, if not through funding or international law rights and obligations (ICRC), then through close political links. Among the IPU members themselves, no political parties exist. Rather, member parliaments are still organized according to regional groupings, the geo-political groups,³⁹ an organizational form that has been developed even further throughout recent years. The geo-political groups try to aggregate their members' positions and to transform this into joint positions and combined voting. They are taken into consideration for the allocation of positions in all IPU organs and their bodies, and beyond that their chairs act as advisers for the Executive Committee. However, they can all have their own rules of procedures, which do not always exist in written form.

3.2 Participation, control and inter-state democracy

If civil society is largely absent from IPU sessions, its ability to influence and participate in decision making is almost equal to zero. Even though a regular or occasional observer status for world-wide NGOs, regional or geo-political parliamentary associations, and international political party federations exists, there is explicitly no right to present draft resolutions or amendments (quasi-legislative initiative) for observers, no right to vote, to raise points of order or to present candidatures (IPU 1999).⁴⁰ There is also no right to address petitions. Nevertheless, some consultation of civil society has been taking place for decades, if not through referendums or public hearings, then through invitation to present written material with regard to items on the Assembly's agenda or to be present in an advisory capacity during the work of drafting committees, through the joint elaboration of publication material (Kissling 2006a, 647), and through joint projects. There have never been political parties organized at IPU level, but citizens can also not participate in the life of the geo-political groups, nor can they influence their positions. Yet, the IPU has developed a strong policy in favour of women.⁴¹ Besides numerous resolutions and paragraphs of resolutions on women issues, support to respective UN Conferences and their follow-up, accompaniment of those conferences through own parliamentary meetings, the promotion of UN Conventions and their ratification and own contributions to codification processes, besides various panel discussions, seminars, surveys and studies on women's topics, which linked the concern more and more to the subject of democracy, inner-IPU

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gender politics gained more and more in importance. Women parliamentarians within the IPU gathered from 1978 onwards, which resulted in a regular Meeting of Women Parliamentarians with its own Coordinating Committee. Not least because of pressure, women's issues increasingly found their way into IPU resolutions and policies, more and more positions within delegations and IPU posts were attributed to women,⁴² and the follow-up regarding gender decisions was thoroughly checked. In 1997 the Gender Partnership Group with mixed-gender membership was founded as a follow-up to the UN Beijing World Conference on Women of 1995 and an IPU follow-up Specialized Conference of 1997. Since then, it has been in charge of gender mainstreaming in the activities and decisions of the IPU. On its initiative, meanwhile, the Statutes propagate a strong policy in favour of women or gender balance,⁴³ as do other rules of IPU organs.⁴⁴ As with regard to national democracy, the IPU thus follows the principle of 'influence from inside' also concerning women's issues. Besides that, as a consequence of an IPU Plan of Action to Correct Present Imbalances in the Participation of Men and Women in Political Life of 1994, adopted in preparation of the UN Beijing Conference, the IPU started a huge programme on Women in Politics. As such, it specializes on an issue of its own competence, which found expression in its events and publications as well as in its technical assistance programme.

The results for the element of control, i.e. the possibility for citizens to control the decisions of the IPU and their implementation, are mixed. On the one hand, relative transparency with regard to the decision-making process exists: documents and acts of the organization are freely available on the internet.⁴⁵ Yet, the respective bodies are not required to publish reasons for decisions taken, even though arguments and reasons for voting behaviour of delegation members, of representatives of delegations or geo-political groups, and of position holders uttered in the Council meetings find their way into the summary records of the Council sessions.⁴⁶ Involved interests, as far as they do exist (for example, in the context of the examination of human rights violations of parliamentarians, see below, or the technical assistance programme), which want to receive more information than that provided online, have to go through the usual administrative channels, which are lean. Independent mass media surely exist, but whether they are interested in IPU affairs is another question. Media reports on IPU Conferences are rare, apart from those organized in developing countries where international activities are not that broad.⁴⁷ The IPU, as a parliamentary body, does not exercise control over an executive power, first, because an executive power does not exist within its system, and second, because until now it has not been willing officially to take over such a task with regard to the UN system (see section 2, above), although without doubt it would be competent to do so on all UN issues given its broad parliamentary membership.⁴⁸ Nevertheless, in April 2007 a Committee on United Nations Affairs, consisting of all IPU members, was established, the mandate of which, beside reviewing the co-operation between the UN and the IPU/parliaments and reacting to requests of the UN for IPU input, also encompasses typical parliamentary control mechanisms. Its Advisory Group, set up the same year, has explicitly the right to conduct investigations, including through field missions, on the implementation of the principles recommended by the Report on System-wide Coherence, on UN peace-building operations, the implementation of the Millennium Development Goals (MDGs) and other major international commitments, the UN budget, its sources and usage, financing for development, including related UN reforms, and human rights (ratification of human rights treaties and functioning of the Human Rights Council) (IPU 2008, Art. 2). Thus, parliamentary enquiries are conducted, but the possibility to filter them into the UN system and to ask for UN reactions to reports remains narrow. Moreover, the Advisory Group's first field mission testifies to a focus on recommendations for parliaments rather than on those addressed to the UN. Furthermore, question and answer sessions at the UN do not exist at all. Effectiveness is hence limited. Finally, there is no way for the IPU to go before a UN Court.

Interstate democracy is an indicator that cannot be examined because there is no body representing states per se within the system. Only parliaments are represented. With regard to inner-IPU bodies, the Governing Council in principle is based on the sovereign equality of states. Every member is represented by three parliamentarians, except for single-gender delegations (see above). By giving voting power to single parliamentarians present (mechanism to ensure presence), some sort of weighted voting is incorporated, since the possible voting power of single-gender delegations is reduced by one (principle of gender equality). Generally, decisions are taken by majority vote (IPU 1971b, Rules 1, 28, 35(1)). In the Assembly, overall, weighted representation

and voting can be found. Members are represented by eight parliamentarians (10 in case of a population of 100m. inhabitants or more), in autumn by five (seven in case of a population of 100m. inhabitants or more). In the case of single-gender delegations for three consecutive sessions, the number is reduced by one person (principle of gender equality). The votes of each delegation are composed of a minimum of 10 votes per delegation (according to the sovereign equality principle), plus an additional number of up to 13 votes in relation to the population of the country. The minimum of 10 votes is reduced to eight in case of single-gender delegations for three consecutive sessions (principle of gender equality). Per delegate present, only 10 votes can be cast (a mechanism to ensure presence). As a rule, decisions are taken by majority vote (IPU 1976, Art. 10(2) and (3); IPU 1971a, Rule 34(1)). Power relationships do not have equivalence in the IPU structure. There is rather a balance of power.

3.3 Supranationalism, power limitation, human rights and output legitimacy

Addressing the issue of supranationalism, i.e. that citizens' interests, rather than states' interests, are the point of reference for decisions and their implementation, it first of all has to be stated that for the IPU, the official point of reference is—and has always been⁴⁹—national parliaments, not the citizens those parliaments are supposed to represent. It perceives itself as the world organization of parliaments of sovereign states, and not as the representation of citizens' interests, which is a small but decisive difference. Of course, it does not have legislative power itself, nor is any decision taken by the IPU directly applicable or enforceable within states.⁵⁰ A supranational executive power also does not exist. The only Secretariat that exists is an inner-IPU Secretariat, independent of member parliaments—apart from the election of the secretary-general—and with theoretically mere organizational powers, even though in practice the secretary-general's influence extends into the political. There is no jurisdictional body, with the exception of the Committee on the Human Rights of Parliamentarians, which, nevertheless, cannot take binding decisions towards states (see below). Nor is there a central bank, a common currency, or an enforcement of norms through supranational or national police forces. Yet, the organization has meanwhile acquired some sort of legal status as an international parliamentary organization with a (derived) international legal personality *sui generis* (Kissling 2006a, 373–79; Brownlie and Goodwin-Gill 1999; Union of International Associations 2001), exemplified by the agreement on the IPU's juridical status with Switzerland of 1971⁵¹ and the US Executive Order on the Inter-Parliamentary Union of 1998.⁵² Interference with the domestic jurisdiction of states only happens in case of human rights violations of parliamentarians. However, this interference does not go beyond negotiations, but it is concretely exercised (see below).

Power limitation is an indicator almost absent in the system of the organization due to its elementary institutional structure, representing parliaments and composed of parliamentations. There is only a parliamentary body, without even legislative powers. The executive branch remains limited to the inner-organizational Secretariat, which is in charge of implementing the administrative, organizational and project-related decisions of the Union. Yet, as mentioned above, the secretary-general seems to have power above the average, at least compared to the administrative branch of a national parliament. This is probably due to the absence of a system executive outside the organization, even though his power does not match the power of the UN secretary-general. A jurisdictional body such as a court does not exist, with the quasi-exception of the Committee on the Human Rights of Parliamentarians, which, nevertheless, cannot take binding decisions towards states (see below). A jurisdictional body is also not necessary since the organization as such does not take externally binding decisions, either towards (member) parliaments, or towards states or citizens. In this sense, a clear division of power exists between the Union on the one hand and (its member) parliaments or states on the other hand.

Human rights is an issue that the IPU has had on its agenda since the early days of its existence, when nobody in the international arena was yet talking about individual rights as part of international law. Since 1992, the contribution to the defence and promotion of human rights has even become a statutory purpose of the organization (IPU 1976, Art. 1(2) (c)). In 1999 the IPU concluded a Memorandum of Understanding on Co-operation with the OHCHR. Yet, beside the adoption of—sometimes quite inventive—(non-binding) resolutions⁵³ on specific human rights of all kinds⁵⁴ or the violation of human rights by states,⁵⁵ the organization of specialized conferences or seminars on

human rights issues, and the issue of various publications, the main quality of the human rights work of the Union has to be attributed to its Committee on the Human Rights of Parliamentarians, which was founded in 1976. Five experts, elected by the Governing Council, meet *in camera* four times a year to examine and adopt decisions on complaints about supposed violations of human and parliamentary rights of parliamentarians by states. The quasi-judicial⁵⁶ Committee aims for a dialogue with the authorities of the countries concerned in order to reach, through negotiation, a satisfactory settlement that meets human rights standards. Occasionally, the Committee undertakes missions and trial observations and organizes hearings for that purpose. The procedure, which is intended to protect or provide redress to individuals or groups of parliamentarians, includes both confidential and public components.⁵⁷ If the violation is of a particularly serious nature, for instance in the case of the assassination or torture of a parliamentarian and/or if the authorities are not co-operating in a procedure, the Committee may render its reports and recommendations public by submitting them to the IPU Governing Council for the adoption of resolutions. However, neither the Committee nor the Council can take decisions binding upon states or other addressees.⁵⁸ Nevertheless, the political pressure exerted as part of both procedural steps very often has led to the intended results.⁵⁹

The last criterion, that of output legitimacy, is difficult to assess. Today, the quality of the IPU's output, as measured by its objectives and purposes according to Art. 1 of its Statutes, is of a mixed nature.⁶⁰ The Union, as the focal point for world-wide parliamentary dialogue, surely fosters contacts, co-ordination and the exchange of experience among parliaments and parliamentarians of all countries. It also considers all sorts of questions of international interest and expresses its views on such issues. Yet, the aim of bringing about action by parliaments and their members in the context of these views is not really achieved. Parliaments, especially in developed countries, very often ignore the results of the Inter-Parliamentary Union. However, it does effectively contribute to the defence and promotion of human rights.⁶¹ It does also effectively contribute to improve knowledge of the working of representative institutions and to the strengthening and development of their means of action through its technical assistance programme (see above). The Union also supports the efforts of the UN and works in close co-operation with it. Finally, it also co-operates with the regional inter-parliamentary organizations, as well as with international, intergovernmental and non-governmental organizations motivated by the same ideals. Yet, the co-operation with NGOs is underdeveloped (see above). With regard to the role of the Union in promoting democracy inside states, it follows the principle of inclusion of 'non-democratic' parliaments and of influencing them from within, through parliamentary practice in its own ranks, through the adoption of democratic principles,⁶² and through its technical assistance programme.

4 Conclusions

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

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

Rights of Parliamentarians. Finally, output legitimacy again delivers a mixed picture. However, this first result might be fine-tuned by future research.

Notes

- 1 See www.ipu.org.
- 2 Belgium (1), Denmark (1), France (56), the UK (28), Hungary (1), Italy (5), Liberia (1), Spain (1), and the USA (1).
- 3 See, for the published version, Descamps (1896, 5–74).
- 4 The following Nobel Peace Prize winners were prominent IPU members: Frédéric Passy (1901), Charles Albert Gobat (1902), William Randal Cremer (1903), Fredrik Bajer (1908), Auguste Marie François Beernaert (1909), Paul Henri Benjamin Balluet, Baron d'Estournelles de Constant de Rebecque (1909), Henri Marie La Fontaine (1913), Christian Lous Lange and Karl Hjalmar Branting (1921), and Ludwig Quidde and Ferdinand Édouard Buisson (1927).
- 5 For a supporter of a world parliament role of the Union outside of its own membership, see de Roszkowski (1914, 73–75).
- 6 See Annex 2 in Lansing (1921, 266–77), and, for the final draft of Cecil, Miller (1928, 61–64).
- 7 The German draft for the Covenant of the League, which was the only official draft providing for a world parliament, also caused references to the IPU outside its own realm (Knoll 1931, 83).
- 8 It still adhered to the principle of non-interference in internal affairs (Boissier 1942, 282).
- 9 The UN at that time defined an NGO as '[a]ny international organisation which is not established by inter-governmental agreement'; see OP 8 of UN-Res. 288 (X) of 27 February 1950.
- 10 For example, see talks between German and Israeli parliamentarians in Istanbul in 1951, which led to the German-Israeli compensation agreement of 1955, or similar talks during IPU conferences that resulted in the ending of the Italian-Yugoslav conflict on Trieste, of the Austrian-Italian dispute with regard to southern Tyrol in 1954, and the British-Egyptian Suez Crisis in 1957.
- 11 Thus, for example, the study committees lost their function as expert bodies with the right of self-referral and from then onwards only worked on demand for the conference. Moreover, the Council president could no longer be re-elected during three consecutive years.
- 12 Accord entre le Conseil fédéral suisse et l'Union interparlementaire pour régler le statut juridique de cette organisation en Suisse, 28 September 1971 (Archives of the IPU).
- 13 For example, the Parliamentarians for World Order, today called Parliamentarians for Global Action.
- 14 See also the President of the French National Assembly Raymond Forni, and the President of the National Assembly of Burkina Faso Mélégué Traoré, in *The World of Parliaments*, review published by IPU, issue 1 (2001): 1–2.
- 15 Policy recommendations for both options, for the IPU becoming a real representative of citizens and for it remaining a representative of parliaments, are on the table (Bummel 2004, 87–89; Bummel 2008; Kissling 2006a, 2008, 2–3).
- 16 Thus, the inclusion of the term 'parliamentary dimension' into the Statutes could not be agreed upon. For the first results of the reform, see Kissling (2006a, 582–86; and 2003). Some deficiencies, such as the plenary scale of the three standing committees, were partly balanced out by a rapporteur system and, in the following, by a multi-year agenda focusing on specific, forward-looking issues (for example, innovative forms of financing for development, reinforcement of links between parliaments and civil society, scrutinizing outcomes of multi-lateral negotiations), as well as a concentration on meetings of the Governing Council and the new (plenary) Committee on UN Affairs, and on specific political events at autumn sessions.
- 17 Cooperation Agreement between the United Nations and the Inter-Parliamentary Union, 24 July 1996 (Archives of the IPU).
- 18 With the UN Educational, Scientific and Cultural Organization (UNESCO) on 26 June 1997, with the Food and Agriculture Organization (FAO) on 12 August 1997, with the International Labour Organization (ILO) on 27 May 1999, a Memorandum of Understanding on Co-operation with the Office of the UN High Commissioner for Human Rights (OHCHR) on 2 July 1999, a Programme of Cooperation with the UN Development Programme (UNDP) on 27 October 1998, an Agreement with the UN Institute for Training and Research (UNITAR) on 19 February 2004, a Partnership Agreement with the UN Democracy Fund on 17 October 2006, a Memorandum of Understanding with ECOSOC on the

- Global Centre for Information and Communication Technologies in 2006, an Agreement with the International Institute for Democracy and Electoral Assistance (International IDEA), the National Democratic Institute (NDI), UNDP and the UN Development Fund for Women (UNIFEM, now UN Women) on the International Knowledge Network of Women in Politics (iKNOW Politics) in 2006, a Programme of Cooperation with the UN Children's Fund (UNICEF) in 2007, and a Memorandum of Understanding with UNDP on 21 November 2007.
- 19 See in this context The White House, Executive Order on the Inter-Parliamentary Union, 7 August 1998. This Executive Order designated the IPU as a public international organization entitled to enjoy the privileges, exemptions and immunities conferred by the International Organizations Immunities Act, and thus confirmed its international legal status; see below.
- 20 See the first Statutes of the IPU of 1894, Lange (1911b, 47–50).
- 21 Apart from the presidency of the Assembly of Delegates: this office at the beginning was entrusted to the president of the parliamentary committee of the group organizing the yearly conference. Moreover, the IPU president first had to be Swiss since the Bureau was based in Bern. When the first paid position of a (non-parliamentarian) secretary-general was introduced in 1909, elections were also requested to fill this position.
- 22 See the Statutes of the IPU and the Rules of its different organs, www.ipu.org/strct-e/strctr.htm.
- 23 From 1899 the Inter-Parliamentary Union for International Arbitration; since 1905 simply the Inter-Parliamentary Union.
- 24 Therefore, many international lawyers and others for a long time have classified the IPU as an NGO (Hübner 1970, 218; Klein and Lauff 1995, 1016–18). Sterzel (1968, 9, 40, 53) also insisted on the NGO status of the IPU and its unofficial character, but argued that a general membership of parliaments as member groups would transform the IPU into an official association of parliaments.
- 25 Arts 3(1) and (2) of the IPU Statutes as adopted in 1990, changes in italic; see IPU (1990, 219).
- 26 Art. 3(2) of the Statutes continues: 'constituted in conformity with the laws of a sovereign State whose population it represents and on whose territory it functions' (IPU 1990, 219).
- 27 Those groups that had constitutional difficulties with the membership of their parliament could opt out of this membership change (IPU statutes, Art. 3(1); www.ipu.org/strat-e/strctr.htm). This option was chosen by the Australian, UK, Canadian, Danish, New Zealand, Norwegian and Swedish Groups.
- 28 For direct election versus appointment of parliamentarians to the IPU member parliaments, see below.
- 29 This did not prevent the Executive Committee from arguing, in its recommendation to admit the Consultative Council of Saudi Arabia in 2003, that the legislative power of the (appointed) Council was indeed not autonomous, but would go far beyond a mere consultative status since its legislation had binding force in case of mere changes of legislation—apart from a right to veto of the king—and in case of new legislation, a possible rejection by the Council of Ministers was usually outvoted by the king (Kissling 2006a, 472).
- 30 Therefore, the IPU usually prefers to talk of representative institutions, rather than democratic institutions, when referring to parliaments. Of course, the choice not to set any democratic criteria for membership is not the only option. Thus, the European Union, for example, has formalized formal and qualitative democratic conditions for its membership in the Copenhagen criteria. On the other hand, the Committee for a Democratic UN, for example, proposes for a UN Parliamentary Assembly that the membership should be open to all those UN member states that have a constitutionally embodied parliament—other (qualitative) democratic conditions are not sought for (Bummel 2004, 91). The question of whether the membership of regional or international organizations has to fulfil certain democratic conditions, and if yes, which ones (merely formal or also qualitative?) remains a controversial issue. Beyond certain formal criteria, democracy certainly is a normative issue that is difficult to judge.
- 31 For statements with regard to human rights violations and the activities of the Committee on the Human Rights of Parliamentarians, see below.
- 32 See www.ipu.org/Cnl-e/154-free.htm. In 2005 this was supplemented by a Declaration of Principles for International Election Observation and a Code of Conduct for International Election Observers, which were submitted jointly to the IPU by the UN Electoral Assistance Division, the Carter Center and the National Democratic Institute for International Affairs.
- 33 See www.ipu.org/cnl-e/161-dem.htm.
- 34 See exemplary *Codes of Conduct for Elections* (1998), *Democracy: Its Principles and Achievement* (1998), *Free and Fair Elections. New Expanded Edition* (2006), *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice* (2006), *Tools for Parliamentary Oversight* (2008), www.ipu.org/english/pblctns.htm.
- 35 See section 2.1, above.
- 36 Besides observer status, there is the possibility to acquire associate status for '[i]nternational parliamentary assemblies established under international law by states which are represented in the Union' (IPU 1976, Art. 3(5)).
- 37 Amnesty International, Human Rights Watch, the ICRC, International IDEA, the International Federation of Red Cross and Red Crescent Societies (IFRC), and the World Federation of United Nations Associations (WFUNA).
- 38 The Centrist Democrat International (CDI).
- 39 There are six groups: the African group, the Arab group, the Asia-Pacific group, the Eurasia group, the Group of Latin America and the Caribbean, and the Twelve Plus group.
- 40 This is different for associate members (international parliamentary assemblies), which can participate in the Assembly and its Standing Committees with the same rights as ordinary members, with the exception of the right to vote and to present candidates for elective offices. Yet, associate members are set up by states and are thus not part of civil society; see IPU (1971a, Rule 1(2)).
- 41 See also *Democracy through Partnership between Men and Women in Politics*, www.ipu.org/iss-e/women.htm.
- 42 Since autumn 2002 more than 25% of delegation members to IPU Assemblies (formerly Conferences) have been women. In October 1987 the first woman was elected a member of the Executive Committee. In 1993, the German Leni Fischer became the first vice-president of the Council and in October 1999 the first woman, Indian Dr Najma Heptulla, became President of the IPU (India 1999). Slight pressure was exerted through the continuous publication of figures showing female representation at IPU conferences.
- 43 With regard to the Assembly, Art. 10(1) of the IPU Statutes declares that 'Members shall include male and female parliamentarians in their delegation and shall strive to ensure equal representation of men and women'. Art. 10(3) says that '[a]ny delegation that for three consecutive sessions of the Assembly is composed exclusively of parliamentarians of the same sex shall automatically be reduced by one person'. Art. 15(2)(c) provides for the same case, that '[any] delegation ... shall have a minimum of eight votes (instead of the ten for mixed delegations) at the Assembly of the Inter-Parliamentary Union'. Moreover, the president of the Coordinating Committee of the Meeting of Women Parliamentarians usually is an ex officio member of the Executive Committee (Art. 23(1); see also (6) and (7)). In addition, Art. 23(2) stipulates regarding the Executive Committee that '[a]t least three of the members elected must be women'. Art. 23(3) says that '[o]nly parliamentarians from States where women have both the right to vote and the right to stand for election are eligible to the Executive Committee'. See IPU 1976.
- 44 The Council Rules provide in Rule 1(2) for single-gender delegations being limited to two, instead of three members (IPU 1971b). Gender balance is requested for ad hoc or special committees and working groups (IPU 1976, Art. 21(f); for the Bureau and the drafting committees of Standing Committees see IPU 1971c, Rules 7(1) and 15(2)).
- 45 Summary records have only been made public since 2008 for the Governing Council. However, the results of all IPU bodies are made available. See www.ipu.org/strct-e/strctr.htm.
- 46 Verbatim records ceased in 1983.
- 47 This was different during the early IPU existence, when the press was highly interested in IPU conferences.
- 48 Yet, it should be mentioned that the IPU, meanwhile, receives different project-related funds from the UN which might limit its independence.
- 49 For the self-perception of early inter-parliamentarians as peace makers and intermediators as well as for (minority) world parliamentary ideas within the Union, see section 2, above.
- 50 The IPU usually only adopts non-binding resolutions that at the utmost have soft law character towards its member parliaments. The only binding decisions are inner-organizational.
- 51 See note 12.
- 52 See note 19.
- 53 Resolutions very often address states or international/regional organizations, but also refer to NGOs or the business world. There is no possibility to conclude international human rights treaties between

states at IPU level. Human rights are also not executed by the organization; therefore, there are no executive mechanisms.

- 54 Including third-generation rights (group rights (minorities), right to development, and to self-determination) and additional second-generation rights (right to work, food, education, health and accommodation).
- 55 This also involved the establishment of committees on specific countries. In the case of Chile, the Union even filed an action for *amparo* (*habeas corpus*) with the Chilean Supreme Court.
- 56 The Committee uses a quasi-judicial procedure in order to settle cases by the political means of negotiation.
- 57 The Committee can become active without prior exhaustion of local remedies and parallel to other international procedures. It does not make public the names of states treated in the confidential procedure. Its competence also extends to non-members of the IPU. Itself not being founded by a treaty, it is not limited to the examination of specific treaty obligations. Throughout the years, it has developed its own jurisprudence. Other, extra-judicial mechanisms for the protection of human rights within the organization or the system do not exist. Of course, there is also no criminal law, no criminal jurisdiction, no common passport and no common citizenship.
- 58 The resolutions are mainly addressed to the official authorities. States are probably not even obliged to consider the recommendations *bona fide*.
- 59 See also IPU Committee on the Human Rights of Parliamentarians, www.ipu.org/hr-e/committee.htm.
- 60 For the impressive outside successes of the Union during the early times of its existence as well as the ups and downs with regard to outside visibility during its history, see section 2, above. Yet, influence and relevance, though important guidelines for the political institution IPU, are not and have never been statutory goals.
- 61 See above regarding the work of the Committee on the Human Rights of Parliamentarians, but also the Union's policy on women.
- 62 For its policies on women and human rights, closely linked to the issue of democracy, see above.

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