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Promoting parliamentary diplomacy

Report[1]
Committee on Political Affairs and Democracy
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Summary

Parliamentary diplomacy and its methods often have results that are hard to achieve through other conventional channels. Constant contacts with parliaments abroad not only help members of parliament to share experiences but also foster understanding between political elites in the countries concerned.

The Assembly is invited to decide on a series of measures to enhance parliamentary diplomacy and recommend that national governments involve parliamentary representatives more extensively in their relations with the United Nations and other international institutions, and more generally in the international decision-making process.

1. Reference to committee: Doc. 11593, Reference 3455 of 23 June 2008.

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A. Draft resolution[2]

1. The Parliamentary Assembly considers parliamentary diplomacy as a complementary tool to traditional diplomacy. Participation of parliamentarians in external affairs is today a crucial aspect of international co-operation and of the development of democracy, both in Europe and worldwide.

2. National parliaments are entitled to approve international treaties before their formal ratification. But the power of parliaments and parliamentarians should not be limited to that formal phase of international relations. To be effective, the involvement of parliamentarians needs a greater exchange of information and clearer co-ordination with national governments.

3. Recent experience shows that parliamentarians are being asked to monitor and participate in the activity of international institutions, thus reinvigorating their democratic strength and enhancing public support.

4. Parliamentary diplomacy and its methods often achieve results that are hard to achieve through other conventional channels. Constant contacts with parliaments abroad help to share experiences between members of parliament and foster understanding between political elites in the countries concerned. They also help to establish and build up trusting relationships between individuals.

5. The Assembly recognises the positive contribution of dialogue and co-operation among parliamentarians, which is the very essence of parliamentary diplomacy, on easing inter-state tensions and finding feasible solutions to complex problems, namely those in the field of human rights, parliamentary democracy and the rule of law.

6. Without becoming diplomats themselves, parliamentarians should play a greater role in order to:

6.1. promote political pluralism and democratic parliamentary standards at home and around the world;

6.2. familiarise themselves with transnational issues and the work of international organisations;

6.3. contribute, in synergy with other actors, to the achievement of results in various situations, such as the prevention and/or resolution of conflicts, the improvement of human rights standards in a certain region or country, the reduction of poverty and the prevention of climate change through ecological balance.

7. The Assembly therefore invites:

7.1. national parliaments to:

7.1.1. encourage the role of speakers of parliament in foreign relations, in particular as regards the promotion or the consolidation of democratic parliamentary standards;

7.1.2. encourage the establishment of parliamentary friendship and similar groups among national parliaments, in order to promote the exchange of good practice, in particular in the parliamentary and political field;

7.2. the parliaments of the member states of the Council of Europe to ensure the pluralistic composition, in political and gender terms, of friendship groups, parliamentary delegations carrying out official visits abroad and delegations taking part in international fora, assemblies or networks;

7.3. other parliamentary assemblies or networks to:

7.3.1. promote the establishment or the further consolidation of international networks or associations of parliamentarians;

7.3.2. promote itself as a model for other regional or international parliamentary assemblies, in particular by recommending that membership is made dependent on the pluralistic composition of delegations and that the possibility of challenging credentials be introduced;

7.3.3. advocate a stronger position for parliamentary bodies in the institutional framework of the organisation to which they belong;

7.3.4. promote joint initiatives.

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2. . Draft resolution adopted unanimously by the committee on 6 October 2010.

8. As regards its own work, the Assembly decides to:

8.1. ask the national delegations to the Assembly to commit themselves to working for the implementation of, and the follow-up to, Assembly resolutions;

8.2. put more emphasis on activities aimed at following up and implementing its resolutions and recommendations;

8.3. demonstrate increased determination in addressing sensitive issues, such as potential conflictual situations between member states or within member states;

8.4. propose its good offices as a facilitator of dialogue or a mediator in specific conflict situations.

9. Furthermore, the Assembly recommends that national governments involve parliamentary representatives more extensively in their relations with the United Nations and other international institutions, and more generally in the international decision-making process.

B. Explanatory memorandum by Mr Mota Amaral, rapporteur

1. Introduction

1. Traditionally, members of parliament are not directly involved in diplomatic work and, regrettably, sometimes they are even kept away from decisions on key foreign policy matters. By way of example, I would like to refer to one important event in recent years: only a few parliaments of the Council of Europe member states were asked to express their position on the unilateral declaration of independence by the Kosovo[3] Assembly. In the great majority of cases, those European governments which recognised Kosovo as an independent state did so without consultation of their citizens' democratically elected representatives.[4]

2. Of course, parliamentarians are involved in the discussion of foreign policy issues through the work of their foreign affairs committees and the organisation of general or specific foreign policy debates. They can, therefore, challenge their governments' decisions, but the extent to which they contribute to the shaping of a country's foreign policy is still limited.

3. Opportunities for personal involvement in diplomatic activities are rare, even if, in recent times, some parliamentarians have taken part in diplomatic missions and have been appointed to high-profile mediation roles in conflict or post-conflict situations. Similarly, the political role that speakers of parliament can play in the context of bilateral and multilateral relations remains largely unexplored.

4. What can be said with confidence, however, is that over the last two decades the familiarity of national parliamentarians with foreign issues has increased, thanks, *inter alia*, to the rise in the number of international parliamentary assemblies or inter-parliamentary groups and the broadening of the scope for their activities. This positive trend goes hand in hand with the process of globalisation and the transnational nature of the main challenges in the world today.

5. This increased familiarity, however, has not yet translated itself into a direct impact on foreign affairs. On the one hand, this might be due to the reluctance of governments to make room for an increased role of parliamentarians who, unlike government officials and civil servants, are not bound to the government's instructions and could therefore convey diverging messages; on the other hand, this is also due to the need to give further thought to the very concept of parliamentary diplomacy, in order to transform it from a theoretical idea into a number of concrete actions. This implies defining:

– in which contexts it could be used;

– on which instruments it could rely;

– its objectives.

6. This reflection should take into account, and try to propose remedies for, certain weaknesses regarding the parliamentarians' involvement in foreign relations, namely:

– a lack of continuity for international activities. Parliamentarians are in a position to ensure this, given that they are engaged both on a national and international level and sometimes sit on more than one international parliamentary delegation;

– a lack of co-ordination and exchange of information amongst different parliamentary bodies. This problem becomes particularly relevant when one considers that the proliferation of international parliamentary structures increases the risk of overlapping and duplication in their work.

7. The present report aims to contribute to this effort of reflection, based on my experience as a member and former Speaker of the Portuguese Parliament and as a member of the Parliamentary Assembly of the Council of Europe. The report is also based on the findings of the European Conference of Presidents of Parliament (Tallinn, May 2006), one of whose themes was "Bridge building through parliamentary diplomacy". In particular, I will try to:

– identify ways for an enhanced role of national parliaments and parliamentarians in foreign relations, as a complement to traditional diplomacy;

– recommend ways to reinforce the diplomatic role of our Parliamentary Assembly.

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3. . All reference to Kosovo in this text, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

4. . See the report by Mr Marco Zacchera which is the basis for Resolution 135 (2008) of the Western European Union Assembly on the role of parliaments in the recognition of Kosovo.

2. Useful definitions

8. Some basic definitions should be kept in mind:

– "Diplomacy"describes the conduct of international relations through the interaction of official representatives of states or international institutions. It encompasses a broad range of activities and approaches to exchanging information and negotiating agreements, which vary widely according to the actors and situations involved;

– "Preventive diplomacy"is the range of peaceful dispute-resolution approaches mentioned in Article 33 of the United Nations Charter: "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means" when applied before a dispute crosses the threshold into armed conflict;

– "Quiet diplomacy" is a practice describing an interstate or third-party engagement distinct from the traditional diplomacy of an interested entity. It is defined by confidentiality and discretion. The aim of quiet diplomacy is to create conditions in which parties feel comfortable to act, in particular allowing parties to evaluate positions and interests calmly, to weigh options and consider independent and impartial advice;

– "Dialogue" is a process through which parties engage with each other. It is not necessarily aimed at a precise objective but rather at a better mutual understanding;

– "Facilitation" describes third-party engagement which provides a forum, space and environment conducive to dispute settlement;

– "Mediation"is a voluntary and ad hoc tool for peaceful conflict prevention and resolution. The mediator must be perceived as neutral and must be accepted by the parties.

3. The national context

9. In democratic systems based on the division of powers, parliaments conduct their foreign relations autonomously and in respect of political pluralism.

3.1. Speakers of parliament

10. Speakers of parliament maintain an extensive network of foreign relations with diplomatic representatives who are accredited in the country, but also with other speakers of parliament and foreign parliamentary delegations; they conduct or lead parliamentary visits to foreign countries and participate in the work of international parliamentary structures such as the Inter-Parliamentary Union and many others.

11. The extent to which speakers of parliament have latitude to entertain these relations depends very much on national customs and traditions. However, in general, it can be said that the speaker is vested with the responsibility of representing parliament in all high-level foreign contacts and that, in order to preserve the non-partisan character of his or her role, the speaker is normally accompanied by delegations composed of parliamentarians representing the different political forces present in parliament.

3.2. Parliamentary friendship groups

12. The number of parliamentary friendship groups has increased steadily over the past few years.

13. The purpose of these groups is to promote dialogue with the parliamentary institutions of one or more other countries. To this end, they seek to hold talks with politicians and other representatives from their partner states to exchange information, debate various topics and share experiences. Furthermore, the promotion of democratic parliamentary structures, the strengthening of human rights, contributions to the management of crises and parliamentary scrutiny are often important elements in the groups' work.

14. As a rule, friendship groups exist at every legislature and their setting up must be authorised by the speaker or the bureau of the parliament. Sometimes limits are introduced: for instance, in France, parliamentary friendship groups are possible only if three conditions are met: the foreign country must be a member of the United Nations, must have a parliament and must have diplomatic relations with France. However, it is possible to set up other kinds of groups with countries or entities which do not satisfy these conditions. In Portugal, the existence of a reciprocal group in the partner state is essential.

15. Parliamentary groups are normally formed on a cross-party basis. Joining a group reflects a parliamentarian's special interest in relations with the partner state or states concerned. The decision to get involved in a particular parliamentary friendship group may be prompted by existing personal links, a strong concern with a particular aspect of foreign policy, the proximity of the member's constituency to the national border with the country in question or demographic, economic and cultural ties between their constituency and the partner state.

16. In the course of an electoral term, parliamentary friendship groups are able to invite delegations of parliamentarians from partner countries and send delegations to visit their colleagues, even if limits can be placed on the number of visits. These visits help to foster better reciprocal understanding as well as to further develop existing contacts.

3.3. Participation of parliamentarians in foreign visits by representatives of the executive

17. In some countries, parliamentarians are often invited to participate in official presidential or ministerial visits, according to the functions which they have in parliament, such as chair or member of the foreign affairs committee or of a relevant friendship group.

4. The international context

18. Traditionally, bilateral exchange visits were mostly protocol visits. Today, however, more and more meetings are organised to allow parliamentarians of different countries to discuss issues of common interest, either in the framework of an interparliamentary structure or on an ad hoc basis.

4.1. The Inter-Parliamentary Union

19. The Inter-Parliamentary Union (IPU) was established in 1889 as an association of individual parliamentarians and was reformed over time to become an international organisation of parliaments of sovereign states. Today it counts 153 members and eight associate members.

20. The IPU is a centre for dialogue among legislators, constituting a unique platform for observing political opinions and parliamentary trends around the world.

21. Membership in the IPU is not submitted to any condition apart from being the national parliament of a sovereign state: there is no statutory requirement for such a parliament to have been elected in a democratic fashion, or for IPU delegations to have a pluralist or gender-balanced composition.

22. Although it has a privileged relationship with the United Nations due to its global membership and the nature of the issues it deals with, the IPU does not have any structural link with the United Nations itself; it does not, therefore, exercise any oversight on United Nations activities nor does it have any consultative function in that organisation.

4.2. International parliamentary assemblies

23. Unlike the IPU, international parliamentary assemblies are bodies or institutions belonging to international governmental organisations which carry out specific tasks and interact in a structural manner with other bodies of the organisation in question. This is the case of the Western European Union, the Council of Europe, the North Atlantic Treaty Organization and the Organization for Security and Co-operation in Europe, for example. The complexity of their internal functioning, their powers and the role that they play within the organisation can vary considerably. At the end of the spectrum, the European Parliament is directly elected by the citizens and involved in the European Union decision-making process.

24. During the last few years, it has become common to include an interparliamentary body in every new international organisation or forum for co-operation. This is the case of the Euro-Mediterranean Parliamentary Assembly for example. Moreover, a worldwide campaign is under way for the establishment of a United Nations Parliamentary Assembly.

4.3. International parliamentary networks

25. In the last decade, a number of international parliamentary networks on specific issues have been set up in order to:

– facilitate dialogue amongst legislators from different countries;

– provide parliamentarians with technical information or put them in contact with experts;

– make available parliamentary resolutions, motions, questions and legislation from around the world;

– catalyse joint projects between parliaments.

26. The rise in the number of such structures has been seen by many as having a direct link with the phenomenon of globalisation. They cover issues such as conflict prevention and security, nuclear proliferation and disarmament, poverty reduction, education and many others.

27. These networks are intended to increase the capacity of parliamentarians to have an impact at the domestic level, as they can make full use of expertise developed abroad and translate it into better informed decisions at national level. They also highlight the interest of international institutions, such as UNESCO, to maintain close contact and dialogue with members of national parliaments.

4.4. The Parliamentary Assembly of the Council of Europe

28. It should be mentioned that the first example of parliamentary diplomacy – as the expression is understood today – was the work of the Parliamentary Assembly in the 1950s on the problem of the Sarre region.

29. At present there are many ways in which the Assembly is engaged in parliamentary diplomacy:

– its Bureau guides the external relations of the Assembly and its President conducts high-level visits and has complete autonomy in deciding his or her agenda and priorities;

– it organises the European Conferences of Presidents of Parliament, which are composed of speakers and presidents of the parliaments of the member states of the Council of Europe, parliaments enjoying observer status with the Assembly and international parliamentary assemblies. Parliaments from central Asia and the Maghreb countries are also invited to attend;

– it provides parliamentary co-operation and assistance programmes aimed at increasing the efficiency of the functioning and thus also the political role of parliaments, as well as providing targeted capacity building for parliamentarians. Such programmes have, for instance, provided assistance to the Serbian and Montenegrin parliaments in creating effective parliamentary structures. A co-operation and assistance programme is currently in process with the Moldovan Parliament;

– rapporteurs conduct field visits to collect information which forms the basis of Assembly reports, resolutions and recommendations. In doing so, they establish high-level contacts, not only with other parliamentarians but also with representatives of the executive, the judiciary, NGOs and civil society in the countries they visit. Their work focuses on problematic – sometimes urgent – issues affecting one or several states. Their aim is to propose solutions and, often, to mobilise the legal and technical expertise of the Council of Europe's intergovernmental sector in order to help states overcome difficult situations;

– the monitoring procedure is a specific feature of our Assembly and is the most comprehensive and thorough way for it to follow developments in some member states. The co-rapporteurs engage in a political process with the authorities of the country concerned, in order to accompany and facilitate its progress towards the implementation of Council of Europe standards and the fulfilment of its commitments. They have also often been instrumental in the handling of crisis situations such as, the recent post-electoral crises in Armenia and Moldova;

– the Political Affairs Committee follows in a similar way, and with the same objectives, developments in Kosovo, as well as in non-member states (for instance in Belarus);

– the Presidential Committee's intervention to solve the political crisis in Albania at the beginning of 2010 is an example of yet another way in which our Assembly engages in parliamentary diplomacy;

– all committees organise exchanges of views involving external counterparts and, within their mandate, can set up ad hoc sub-committees or other structures. As examples, I would like to mention, as regards the Political Affairs Committee, the Sub-Committee on the Middle East, which brings together a delegation of the Knesset and a delegation of the Palestinian Legislative Council, as well as the Sub-Committee on Conflict Prevention through Dialogue and Reconciliation (see below).

5. Priorities for the diplomatic work of the Parliamentary Assembly of the Council of Europe

30. All international parliamentary assemblies represent in themselves an opportunity for dialogue, as they enable legislators from different countries to meet and discuss issues that might be of relevance at domestic, bilateral or multilateral levels.

5.1. Promoting the strengthening of parliamentary institutions

31. In the landscape of international parliamentary assemblies, the Parliamentary Assembly occupies a special position for the following reasons:

– it is the only international assembly whose rules of procedure require national delegations to reflect the pluralistic composition of their national parliaments in terms of both politics and gender;

– it works according to precise and comprehensive rules of procedures;

– it tends to put an emphasis on the political affiliation of its members (through political groups) rather than their nationality. Political affiliation is taken into consideration also as regards the distribution of tasks such as committee chairmanships and rapporteurships.

32. These features are important strengths. In my opinion, the Assembly should rely on them and be more proactive in promoting itself as a model. It is not only a gathering of legislators – as there are many others – but a gathering of democratically elected legislators, reflecting a plurality of views and working according to democratic rules. Its first and foremost objective in the area of parliamentary diplomacy should be the consolidation of the standards of parliamentary democracy amongst its own members and the strengthening of parliamentary institutions in non-member states.

33. For this reason, the Assembly should put more emphasis on co-operation activities with national parliaments, in Europe and beyond, in order to disseminate models of good practice and enhance democratic standards. Activities such as the Forum for the Future of Democracy and the periodic debates on democracy should also be central to the Assembly's work, in addition to activities aimed at improving electoral legislation and practice and the confidence of the electorate in elections and the political system, beyond the current activities carried out in the field of election observation. The new "Partner for democracy" status should be an opportunity for further expanding the outreach capacity of the Assembly in order to promote the strengthening of the role of parliaments in countries which are not mature democracies.

5.2. Devoting more resources to ensuring the implementation of its decisions

34. It seems to me that, at the moment, the Assembly and its structures devote more energy and resources to preparing and adopting resolutions and recommendations than to working for their implementation. In my opinion, the implementation of Assembly decisions should not be left exclusively to the will of the recipients but should be followed up by the committees, sub-committees or rapporteurs that should engage in a continuous political process with the relevant authorities in order to achieve concrete results.

35. At the moment, by its very nature, the Monitoring Committee is the only committee where the co-rapporteurs are systematically engaged in a continuous dialogue with national counterparts. My proposal is that, when establishing its work programme, each Assembly committee should decide which reports are a priority and set aside resources to allow for follow-up after the adoption of a relevant resolution or recommendation by the Assembly. This follow-up work could take the form of meetings with national authorities to monitor the progress made towards the implementation of Assembly decisions, in particular at parliamentary level; missions by former rapporteurs or committee chairs and the organisation of meetings involving Council of Europe or other experts who could provide advice to the national authorities on how to implement the relevant decisions, etc.

36. At the same time, there should be a clear responsibility placed on Parliamentary Assembly national delegations to contribute at national level to the implementation of, and the follow-up to, texts adopted by the Assembly.

5.3. Playing a role in conflict prevention, dialogue facilitation and mediation

37. The escalation of the conflict between Georgia and Russia into an open war, in August 2008, was an alarm bell for the Assembly: its members realised once again that peace among Council of Europe member states could not be taken for granted and that the Council of Europe had been unable to anticipate the escalation of tensions into violence, let alone prevent it.

38. It was, therefore, in October 2008, in its Resolution 1633 (2008) on the consequences of the war between Georgia and Russia that, for the first time, the Assembly expressed the resolve to "play a role in the field of conflict prevention and resolution". The reasoning behind this decision was that "without peace there cannot be genuine respect for democracy, human rights and the rule of law".

39. Amongst other things, as regards the general question of minimising the risks of further outbreaks of violence involving Council of Europe member states, the Assembly decided to study mechanisms by which it could conduct parliamentary diplomacy in the context of frozen conflicts in Europe and other situations liable to undermine peace and stability.[5]

40. The Political Affairs Committee was given the main responsibility for dealing with these matters. It did so by setting up the initial ad hoc and then permanent Sub-Committee on Conflict Prevention through Dialogue and Reconciliation, which had a dual mandate:

– formulating proposals for the organisation of the international gathering, the "Forum on early warning in conflict prevention", which took place in Strasbourg on 24 and 25 September 2009;

– addressing issues relating to regional stability that have an impact on Council of Europe member and observer states. In this context it organised a hearing on peace building in the countries of the former Yugoslavia (Belgrade, 6 September 2010).

41. The Forum of September 3009 highlighted the scope for a role of the Assembly and the Council of Europe in the field of conflict prevention and regretted that, all too often, the Assembly fails to be proactive; shies away from direct involvement at an early stage and raises its voice only after a crisis or a conflict has broken out.

42. This leads me to three main points:

– the Assembly should have the political courage to address situations that have a potential to escalate into conflicts. In particular, the Political Affairs Committee, on the basis of the work of its Sub-Committee on Conflict Prevention through Dialogue and Reconciliation, should put on its agenda potentially conflictual situations such as, currently, Moldova, the Crimea, and the Northern and Southern Caucasus;

– the Assembly should have the political courage to offer its good services to facilitate dialogue between its member states, at the parliamentary level or between domestic actors, before conflicts become violent, through the setting up of a structured political dialogue;

– once a conflict has broken out, Assembly institutional figures should make themselves available to act as mediators, provided that this is accepted by the parties to the conflict.

43. In addition, the Assembly might wish to consider carefully its media strategy, privileging a case-by-case approach: there is a trade-off between the need to ensure visibility in the media and the need to be diplomatically effective; on many occasions, quiet diplomacy can be more effective than a high-profile debate in order to achieve political results.

5. . Resolution 1633 (2008), paragraph 32.