

Legislative Representation at the Global Level: Addressing the Democratic Failure in Global Governance

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As the process of globalization has yielded to a period of international crises and challenges in many areas, global governance has increased in scope. Despite current trends of nationalism, international cooperation appears to remain the most promising way forward. Consequently, ordinary citizens are, and will continue to be, impacted by global governance outcomes more directly and profoundly than was true in the past.

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At the same time, we can observe growing disenfranchisement among segments of the public over the march of global governance and actions of distant policy-making elites (Fleurbaey 2018). Globally, nationalist parties have been able to tap into this frustration through “us-vs-them” narratives invoking images of citizens taking back control from global elites.

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Taking back control implies having lost control previously. What kind of control has been lost? First, global mega-events and -crises have upended the lives of millions of citizens. Second, decisions that are being made on the global level evade democratic control. However, citizens in democracies have high procedural (i.e., democratic) standards for the processes that are governing them. Apart from disappointing outcomes, it is thus also its sub-par processes that are threatening global governance legitimacy in the eyes of democratic publics globally.

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This article suggests a new institutional pathway for global governance to improve legitimacy: include national legislatures (as direct representatives of the people) in global governance processes. Such an approach, it is hoped, will reduce the information asymmetry of governments vis-à-vis legislators and the public and provide more accountability.

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The Consequences of Globalization

As the pace of globalization has increased over the past decades, so has global governance become more important and central to global order relations. Despite recent and ongoing renationalization processes, the biggest challenges that societies across the world face today remain mostly global in nature. The current COVID-19 pandemic is but the latest instance of this reality. Other examples are close at hand. They include the global climate crisis, transnational refugee flows, international terrorism, tax fraud and evasion or international crises of financial and debt instability. Recognizing that they cannot deal with many of these issues sufficiently by themselves, national governments have increasingly accepted bi- and multilateral settings at international and global fora to find, if possible, a coordinated policy response to the various crises and challenges. As a result of this recognition, more and more policy areas are being deliberated over in international and global settings (Jang, McSparren and Rashchupkina 2016). In turn, this recognition has led to a growing body of international treaties and, in many instances, institutions that seek to govern areas as diverse as health, climate change, trade, migration, or fiscal policy. The sum of these treaties and international institutions that shape them is what we generally refer to as global governance. Global governance for the purposes here is defined as: “governing, without sovereign authority, relationships that transcend national frontiers. Global governance is doing internationally what governments do at home” (Finkelstein 1995, 369).

International affairs and foreign policy today have a much broader scope than before. In the past, international politics concerned managing bi- and multilateral relations with other states mostly pertaining to security and defense, diplomacy, and trade issues (Falk and Strauss 2001). These issues, while undoubtedly of great importance, had by and large rather more abstract consequences on the every-day lives of the vast majority of citizens. But in the current global order, international affairs and global governance outcomes touch upon almost every aspect of citizens’ lives and, thus, have major impacts on citizens. To illustrate: whether the global community can agree to efficiently share COVID-19 vaccines and their raw materials such that citizens in, say, Australia can quickly receive their jabs is, arguably, more important to the average Australian than having secured nuclear submarines from the United States through the emerging security alliance AUKUS. In short, international affairs and global governance have become both more ubiquitous and more consequential for the day-to-day lives of people globally.

Waning Public Support for Global Cooperation

With all of the above, it is immensely worrying that support for global governance and international cooperation by many citizens, particularly, but not exclusively, in Western democracies, has continued to wane for some time (Fleurbay 2018). It is now a widely accepted fact that a substantial share of citizens in the Global North feel disenfranchised from the contemporary global order despite the international system generating increasing economic growth. This phenomenon is also referred to as “globalization backlash” (Walter 2021). Why do we see this backlash today? Several different arguments have emerged and both material (economic) and non-material (political

and socio-cultural) causes have been identified that appear to be driving it. (Walter 2021). Economically, research has pointed to the fact that higher aggregate GDP numbers for many rich countries have been accompanied by growing economic inequalities between well-educated, wealthy “elitist” winners and the more “ordinary” less well-educated losers (Dreher and Gaston 2008). In other words, globalization has only delivered actual economic and monetary gains for a select winners in national societies. Many governments have been unable, or unwilling, to effectively mitigate the emerging economic inequalities or soften the blow of global challenges for their citizens. In other words, international cooperation and global governance is marred by its yielding continuing unsatisfactory economic outcomes for too many of its citizens.

Politically, some populist and nationalist political parties and their leaders have successfully tapped into existing and, in some cases, rising anti-globalization sentiments by nurturing politically divisive “us-vs-them” narratives. Commonly, the line of argument raised suggests that distant elites in charge of global governance policymaking, particularly at the global level, do not have the interests of ordinary citizens at heart anymore (Berman 2016). Perceived strongmen, and authoritarian leaders across the world including the likes of former US President Donald Trump, Hungary’s Viktor Orban, and Brazil’s Jair Bolsonaro have won elections by presenting themselves as advocates for the common people, promising to halt globalism and to re-nationalize decision-making. In other countries parties and their leaders, while not necessarily having won elections (yet), have also employed such political messaging. For example, in Germany the far-right party, AfD or in France Marine Le Pen and her National Rally party have sought to urge dramatic re-nationalization of decision making (Golder 2016). In other words, politicization of existing anti-globalization attitudes has taken place across many countries and has, in many cases, proven to be politically successful.

Much has been written about why these narratives and their advocates and proclaimers have been so successful. It certainly appears that the underwhelming economic benefits of global governance for many individuals have contributed substantially to these narratives gaining such traction. It may then be reasonable to assume that if the economic gains of globalization would have been shared more broadly, it is plausible that countries would not have faced this dramatic rise of nationalist parties (Betz 1994). Thus, there remains the impetus to improve the economic outcomes of global governance nationally.

However, this is only part of the answer to the rising nationalist and populist politics. Unsatisfactory global governance outcomes are a necessary condition for the success of ‘us-vs-them’ narratives, but not in and of itself a sufficient answer. After all, widespread political discontent resulting from government underachievement is hardly a new phenomenon in democracies. Far-right parties have been promoting corrosive narratives and conspiracy theories for many years in many countries (van Prooijen et al. 2015). So, why did these narratives become so successful in contemporary national politics?

Part of the answer, it seems reasonable, can be explained by the ever-increasing saliency of global issues to the lives of many as outlined above. However, a key to answering this question also lies in the ‘taking-back-control’ narrative itself. Taking back control over something from someone implies having lost control at some point. Hence, the widespread success of ‘us-vs-them’ narratives can be explained not only by poor global governance performance but also by a pervasive sense among citizens that they do not have

control over the events and institutions shaping the policies that affect them so profoundly.

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The Democratic Deficit of Global Governance

This sense of loss of control is twofold. First, modern crises like the 2008/09 global financial crisis, persistent refugee crises in Europe and North America, or COVID-19 that have upended the reality of millions to billions around the globe were triggered by people and entities as far removed from the lives of ordinary citizens as they could have possibly been. Ordinary citizens neither had a role in bringing them about nor could any individual actions be conceived that would come close to mitigating the damage they have done or the threat they have posed. Worse, the entity that individuals usually look to for protection in cases like these, their national governments, seemed—and on many occasions were—helpless. The global forces shaping these events were more powerful than any unilateral national policy could have been.

Second, and closely related, there is a loss of democratic control over the decision and policymaking processes at the global level (Held 2004). This explanation, in part, illustrates why the narrative of a distant elite that does not care about ordinary people resonated so effectively with so many voters. As the outcomes of globalization have been unsatisfactory for many, public disaffection towards the institutions that were created to manage the globalization processes has grown as well. Usually, citizens in democratic societies can sanction sub-par outcomes of governance processes by way of voting incapable governments out of office. However, at the global level citizens lack these effective ‘checks and balances’ mechanisms to ensure that the actions of their governments at the international level represent citizen interests (Falk and Strauss 2001). The principal-agent chain of delegation has become longer through the addition of the global layer of governance (Jančić 2017), hence the success of narratives that proclaim the need to take back control from the elites. These narratives no longer end when the authority on decision-making is passed on from the voters to legislatures and further to governments. Instead, governments now pass on their authority, vested in them by democratic processes, to international organizations (IOs) of varying memberships, issue foci, or policy-making powers. This overlong delegation chain often has been described as problematic as it is making governance and decision-making processes extremely opaque, unresponsive, and unaccountable. This extended political chain becomes particularly problematic today as we observe a broadening of scope of the content of foreign affairs and a deepening of policy-making powers for international fora and organizations. Today, even classic state powers such as taxation are being deliberated on at the global stage as was evident by the G7 proposal on a global minimum corporate tax rate which subsequently was endorsed and adopted by the G20 and the OECD as well. While these decisions are of course still subject to ratification by national legislatures, no real debate around these issues emerge in many cases as governments pass these policies with their legislative majorities (Jančić 2017). There are a host of other examples mentioned above that today mainly play out internationally when they previously were dealt with domestically. The sum of these examples constitutes a diffusion and transfer of political competencies to levels beyond the nation-state (Jang, McSparren and Rashchupkina 2016). For democratic states, this should come with the imperative to uphold their own principles of democratic governance and

overcome the current democratic deficit of global governance. Otherwise, democratically elected governments and the IOs that they are part of face the risk of continuing to lose legitimacy in the eyes of their voters. Citizens in democracies have grown used to being the sovereign and having their interests effectively represented in the political realm by their elected representatives. 180

Improving Global Governance Legitimacy through Legislative Representation 185

This loss of legitimacy is precisely what we can already observe today. Thus, next to the ineffectiveness of global governance *outcomes*, the opacity and lack of responsiveness and accountability (i.e., the democratic deficit) marring global governance processes are an equally large challenge for global governance. To overcome the pervasive, “us-vs-them” narratives and, ultimately, the lack of acceptance and legitimacy of global governance, both need to be tackled equally urgently. In fact, one could also make the case that the improvement of processes could be a means through which outcomes could ultimately be enhanced as well. 190 195

This begs the question, however: how can global governance processes become more transparent, responsive, and accountable to national citizenry? The current global order evidently lacks mechanisms and channels through which the public can engage and, ultimately, control and scrutinize their governments’ behavior on the international and global stages (Jaeger 2007). Public debates on global governance issues play a minor role in the media and also in national legislatures which remain the main body of public deliberation of policy alternatives in democracies (Nanz and Steffek 2004). To date, national legislatures play a minor role in global affairs as legislative representation has traditionally been weak to non-existent at the global level (Follesdal and Hix 2006). This is reflected by a massive information asymmetry around the state of international negotiations on any given issue between government ministers and their bureaucracies on the one hand and the legislators and the larger public on the other. It is no coincidence that legislatures are widely regarded as the institutional losers of the globalization and internationalization of politics (Freyburg, Lavenex, and Schimmelfennig 2017). This decline in importance is a major component of the diagnosed democratic deficit of many intergovernmental organizations. In fact, political theory holds that the role of legislatures in democracies should and does stop at ‘the water’s edge’ of foreign policy where an area of executive privileges and responsibilities begin (Raunio and Wagner 2017). In other words, there exist no checks and balances, as we know them from national democracies or in the case of Europe the European Union, on the global and international level. This has historical reasons. Foreign policy evolved as relationships between states and, thus, governments. Ensuring the security of the nation and managing diplomatic ties was an exclusive responsibility for governments, standing above the domestic politics of the nation-state. Crucially, effective security policy involves both secrecy and urgency, both of which legislatures cannot provide (Raunio and Wagner 2017). However, today, as stated above, foreign policy and international affairs is no longer just about security, diplomacy, and trade. Rather, over the past decades during which globalization has become ever more pronounced, few policy areas have remained exclusively domestic as many have at some 200 205 210 215 220

point been the subject of international deliberations and, sometimes, regulations. In other words, the contemporary world is more integrated than ever before (Kahler 2009). This has resulted in foreign policy outcomes impacting the lives of average citizens much more directly and profoundly than ever before. Thus, the unfettered dominance of the executives and their bureaucracies on the international level looks increasingly outdated. The more issues that come on the global governance agenda, the more pressing is the need to overcome the democratic deficit of global governance processes. It requires governments to regain public support in democratic societies, and in turn, diffuse nationalist narratives of distant, non-responsive and unaccountable policymaking elites.

From a domestic politics viewpoint, democratic legislatures are tasked with four primary functions: policymaking, linkage, representation, and control/oversight (Kreppel 2014). While legislatures are not able to perform any of these functions internationally, the absence of the latter two arguably harm the public support of contemporary global governance the most. Closer scrutiny and oversight of the executive on the global stage and the communication of such scrutiny could provide some much-needed context on global governance issues for national publics. By debating contextual questions around specific global summits and fora such as “What is being discussed?”, “Why is it important to act on this issue by way of international cooperation?”, “What is a given government’s stance on the issue and why?”, and “What are other available policy alternatives and approaches?” could reduce the prevailing sense of opacity surrounding global governance and how decisions are being made on the global level, especially, if these discussions and their outcomes find themselves broadcast prominently in public and private media outlets. In short, if domestic legislatures were given the chance to participate in international politics, it could help to improve transparency and accountability of global governance issues.

Turning to representation, including national legislatures also holds some promise. Undoubtedly, in many instances legislators, as directly elected representatives of the voters, are much closer to the citizens than government ministers or their bureaucracies. Hence, MPs could play a crucial role in fostering the understanding and acceptance for international negotiations and act as a transmission belt and two-way street between citizens and governments (Stavridis and Jančić 2016). On the one hand, MPs and their local offices could, through their constituency work, inform their electorates on current global and international deliberations that might have a direct impact on the lives of their voters. On the other hand, MPs, could fulfill their duty of representation more holistically if their efforts extended not only to domestic politics but also to international and global politics. In turn, citizens would be given the opportunity to punish or reward their MPs not just for their representation in domestic but also in international politics. Reinstating this more direct path between citizens and the loci of consequential decision- and policymaking would give back citizens their voice in international politics thereby counteracting the current sense of loss of control over the global powers that so profoundly influence their lives.

In the absence of global legislatures, domestic ones could be valuable in filling the void. But how could this work within the current institutional architecture of global governance? Generally, the organizations where international deliberations take place can be distinguished between so-called general-purpose IOs and task specific IOs (Rocabert, Schimmelfenning, Crasnic and Winzen 2019). As their names indicate, the former type of IO has no specific policy focus but rather debate a broad range of issues, whereas the latter

IO form is concerned with more specific policy (sub-) areas (Rocabert, Schimmelfenning, 270
Crasnic and Winzen 2019). As these organizations differ in what they are trying to achieve,
they could benefit from a slightly different kind of legislative participation, respectively. In
task specific IOs, it could be more fruitful to include the legislators with the relevant policy
expertise in the respective fields. For instance, at summits of the World Health
Organization (WHO), domestic MPs who are members of various health committees, and 275
relevant subcommittees—crucially of both the opposition and government parties—could
participate to ensure that the decisions that are being made rely on broad and deep expertise
and, thus, are more likely to have beneficial outcomes for societies. As legislators become
part of the international negotiations, this would help in bridging the information deficit
between them and their governments. In turn, legislators can: (1) communicate this 280
information to their constituencies; and (2) hold their governments to account more
effectively. In other words, global governance would become both more transparent and
accountable to the average citizen.

In contrast, where general-purpose IOs, or informal fora such as the G20 are 285
concerned, government and opposition party members of the legislatures' financial or
foreign affairs committees of the member states could be included in the deliberations,
participate at the summits, and offer alternative policy pathways to what their respective
governments are suggesting. For instance, a first step for the G20 towards the effective
inclusion of national legislatures could be the establishment of a new engagement group –
let us propose the Parliamentary20 (P20). Where government and opposition foreign 290
policy, and perhaps other, experts, could come together in the P20 to debate which issues
on the international agenda are the most crucial to their constituents at home. Much like
other current engagement groups today, such as the B20, L20 and T20, the P20 could
produce recommendations for the G20 governments on what should be on the agenda of
the summit and which issues are most important to their constituents. Ultimately, however, 295
the goal should be to achieve a more complete inclusion of MPs throughout the entire year-
cycle of presidencies. To make legislators equal contributors to the various debates, the
information deficit between governments vis-à-vis individual legislators should be
minimized as much as possible to allow them and, in turn, the publics they represent, to
gain a complete picture of other member states' positions on the deliberated issues and the 300
considerations that are informing their own governments' position. If government and
opposition legislators could be effectively included in both general-purpose IOs as well as
task-specific ones, the representation of interests at the global level beyond the respective
national majority could be improved significantly and contribute to a more accountable
process. In national democracies, the role of representing interests of minorities is a task for 305
legislatures. At the global level, this task is only filled, if at all, by civil society
organizations which often have a narrow issue focus and cannot claim to legitimately speak
for the citizenry as a whole (Falk and Strauss 2001). Protecting minority rights should,
thus, be another impetus for including legislatures in global governance.

Conclusion

In sum, in the face of the growing challenges that confront the global order, foreign policy and international political processes are only going to become more important for the everyday lives of citizens around the world, irrespective of some nationalist leaders' chanting that they will take back control. In other words, increasingly public policy will likely be foreign and international policy. Against this backdrop and to overcome contemporary divisive nationalist 'us-vs-them' narratives, global governance must live up to higher procedural standards if it is to protect its legitimacy in democratic societies. Over the past, citizens in democracies have developed minimum standards for the political processes that are governing their lives and, currently, global governance does not live up to these democratic procedural standards. This is particularly evident by the absence of legislatures in global governance. Legislators are currently not able to perform any of their democratic duties at the international and global levels. As a result, global governance suffers from a lack of separation of powers. No legislative oversight and scrutiny combined with the absence of citizen representation and poor disaggregated economic outcomes are driving popular discontent with global governance in modern democratic societies. In fact, it becomes all the more difficult for citizens to accept any global governance outcomes—particularly those they do not agree with or have detrimental outcomes for them individually—if the global decision-making progress has not been legitimized by democratic procedures. Depending on the institution or IO concerned, legislators could be included in different ways. Task-specific IOs could benefit from the inclusion of domestic government and opposition 'expert-legislators' of the respective policy area. General purpose IOs, discussing broader, high-level agendas for global cooperation might be better served by the inclusion of foreign policy committee members, again of both government and opposition parties. It is, in any case, time for reform agendas to move past the contemporary and, at times, exclusive focus on output legitimacy (i.e. the quality of global governance outcomes). Rather, we should take a hard look at input and throughput legitimacy and improve global governance procedures such that it can more fully regain acceptance and support of the global citizenry.

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