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Parliaments in the Principles and Practice of the OSCE

The institution of parliament is not readily visible as a major component of the OSCE human dimension and democracy commitments. Parliament is in many ways a “silent guest” that is implicitly referenced through diverse terminology in the body of commitments relating to the various components of a democratic society, including the concepts of pluralism and effective representation. A quick or superficial overview of the main OSCE commitments on democracy and human rights does not yield many direct references to parliaments or their importance to programmatic work. As a result, this paper aims to analyse the institution of parliament as an implicit and embedded component of the OSCE’s commitments as well as its views and practices relating to democracy, particularly with regard to comprehensive security. This paper explains that parliament’s implicit presence in the commitments does not demonstrate any diminished importance for representative institutions and pluralism. On the contrary, this paper argues that support programmes for parliaments are firmly embedded in the practical work of the OSCE, which is a reflection of the OSCE’s recognition of the importance of parliament in multiparty democracy, and hence its human dimension of security.

Parliaments in the OSCE Commitments

Following on from the Helsinki Final Act (1975), the CSCE Copenhagen Meeting of the Conference on the Human Dimension and its concluding Document (1990) provided substantive steps for participating States to move their democracies forward and to consolidate transitions to democracy. In Copenhagen, the participating States were able to express their conviction that human rights and democratic institutions should be both defended and promoted. The states made concrete declarations on free elections and voting procedures, also stating explicitly that “a form of government that is representative in character, in which the executive is accountable to the elected legislature or the electorate”¹ is essential, while political participation is a

Note: The views expressed in this contribution are the authors’ own and not necessarily those of the OSCE/ODIHR.

1 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 29 June 1990, section 5.2, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe, Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 439-465 (hereinafter: Copenhagen Document).

basic right.² Effective participation and representation of the electorate has been a fundamental precept that has guided the OSCE in its practical reaffirmation of the overarching concept of democracy. However, the institution of parliament has a mostly implied presence in the OSCE commitments, while at the same time the main functions of parliament in democratic theory and practice are endorsed and supported by these overarching commitments.

The tacit presence of parliament is not the result of an intentional omission. On the contrary: For the drafters of the Copenhagen and other documents, parliament would have been an indisputable element of any vision of modern and pluralist democratic systems. This is supported by the fact that the classical functions of parliament in democratic theory are endorsed and supported by these commitments. For instance, one of the few situations where the commitments *explicitly* mention parliaments occurs in section 7.9 of the Copenhagen Document, where the participating States pledge to “ensure that candidates who obtain the necessary number of votes [...] are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law *in conformity with democratic parliamentary and constitutional procedures*”.³ This last phrase suggests that there was a pre-existing set of norms and practices regarding democratic parliaments that were assumed to be known and understood. In hindsight, this “tacit” presence of parliaments in these crucial documents of the OSCE’s human dimension could have perhaps been clearer in the emphasis placed on the importance of the institution of parliament for building and consolidating democracy. Since the documents were adopted, academic research has emerged which confirms – based on statistical cross-country analyses – the importance of parliament in building democracy over the long term; countries with stronger parliaments (defined in terms of formal powers) were found to be more likely to fare better in their democratization efforts over time.⁴

This contribution nevertheless demonstrates that in its practices and programmes, the OSCE has a strong and explicit dedication to supporting and strengthening parliament as an institution of democracy. Providing parliamentary assistance and support for the participating States in their efforts to safeguard effective representative bodies has been a guiding objective of the OSCE’s work and partnerships based on the OSCE commitments and documents.

2 See, for example, the discussion in: Eric Stein, International Integration and Democracy: No Love at First Sight, in: *American Journal of International Law* 3/2001, pp. 489-534, here: p. 490. Stein writes that “taking into account this growing acceptance and the commitment of most states under UN covenants and other global and regional treaties, as well as the extensive practice of states fostering democracy abroad, some commentators have argued that the rights to free elections and participation in public affairs are becoming – or have already become – part of the cluster of basic rights protected by general international law”.

3 Copenhagen Document, cited above (Note 1), section 7.9 (authors’ emphasis).

4 Cf. M. Steven Fish, Stronger Legislatures, Stronger Democracies, in: *Journal of Democracy* 1/2006, pp. 5-20, here: p. 12.

Legislation

According to the Copenhagen Document, the “full expression” of democracy, justice, fundamental freedoms, and human rights requires legislation to be subject to transparent processes that respect the whole body of OSCE commitments. Specifically, there is the provision in section 5.8 of the Copenhagen Document that legislation should be “adopted at the end of a public procedure, and regulations will be published [...]”. Moreover, these requirements are “the condition for their applicability”. The text of legislation should also be “accessible to everyone”.⁵ Although these provisions do not specifically mention the role of parliaments in legislation, one could argue that the commitments imply that the legislatures of participating States should be the main venue for the introduction of and deliberation on legislation. Improving legislative processes in parliaments, which ensures that legislative and parliamentary procedures are open to the public and transparent, has been a guiding principle of OSCE parliamentary assistance, as will be demonstrated below in the discussion on the work of the OSCE. In the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, there is reaffirmation that democratic institutions must be pluralistic and transparent. Specifically, the Moscow Document includes the provision that states should recall that “legislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representatives”.⁶ This commitment builds upon and further clarifies section 5.8 of Copenhagen, in that it more concretely refers to legislation being adopted based on the “will of the people”, which implies some form of delegated representation in a parliamentary format, or otherwise direct legislation by the people through referenda.

Representation

It is the will of the people that should guide democratic processes, and the OSCE participating States have declared that this will of the people is “the basis of the authority and legitimacy of all government”.⁷ Although government is not specifically delineated here to include parliaments, the commitments of the states refer explicitly to the free and fair expression of people in periodic and genuine elections. As parliament is the primary elected institution, the commitments provide clear guidance that citizens should be able to take part in the governing of their country. The legitimacy and authority of governments depend on the level of citizens’ rights and abilities to express

5 Copenhagen Document, cited above (Note 1), section 5.8.

6 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, section 18.1, in: Bloed (ed.), cited above (Note 1) pp. 605-629 (hereinafter: Moscow Document).

7 Copenhagen Document, cited above (Note 1), section 6.

their will through elected representatives and parliamentary institutions. The Copenhagen Document further specifies in section 7 that the states should “ensure that the will of the people serves as the basis of the authority of government”, thereby committing them to “hold free elections at reasonable intervals, as established by law”, and requiring “all seats in at least one chamber of the national legislature to be freely contested in a popular vote”.⁸ Therefore, the support for and strengthening of parliament often focuses on the ability of citizens to participate effectively. Conversely, effective representation of citizens through representative bodies and parliament results in government that is responsive and accountable to society.

The importance of effective representation and participation through parliaments has been illustrated by Levitsky and Way’s analysis of the mechanisms of control in what they termed “competitive authoritarian” regimes.⁹ Discussing the importance for such regimes of controlling the legislature, they argue that when the legislature is not “elimin[ated]” as a “potential arena for contestation”, parliaments may create irksome obstacles to further power consolidation; they may “thwart presidential appointments, create new mechanisms of oversight, conduct high-profile investigations into government abuse, and even threaten the incumbent’s political survival” by impeaching him or her.¹⁰ The consequences, therefore, of a deficiency in pluralism and ineffective representation of citizens is a weaker parliament that may not in fact be responsive to the electorate.

Institutions

As noted above, the Copenhagen Document refers directly to democratic institutions, albeit without reference to parliaments. Nevertheless, according to section 26 of the Copenhagen Document, “vigorous democracy depends on the existence as an integral part of national life of democratic values and practices as well as an extensive range of democratic institutions [...]”.¹¹ Parliaments, considered as national institutions that protect the accountability of government to societies, are “an important component of national governance systems”¹² and an essential institution for the functioning of any healthy and effective democracy. The OSCE commitments have adopted the approach that parliament is an institution that embodies the totality of commitments to democracy and should necessarily be included in any democracy-building

8 Ibid., sections 7, 7.1, and 7.2.

9 Steven Levitsky/Lucan A. Way, *Competitive Authoritarianism: Hybrid Regimes After the Cold War*, Cambridge 2010. While the monograph is primarily concerned with defining, conceptualizing, and analysing such regimes, a simple definition offered is that they are “regimes that combined multiparty elections with some form of authoritarian rule” (p. 19).

10 Ibid., p. 63.

11 Copenhagen Document, cited above (Note 1), section 26 (emphasis in the original).

12 Alan Hudson/Claire Wren, *Parliamentary strengthening in developing countries, Final Report for DFID*, 12 February 2007, p. 4, at: <http://www.odi.org.uk/resources/docs/128.pdf>.

agenda. To encourage the conditions for democratic values and practices, the Copenhagen Document further proposes in section 27 that “co-operation be encouraged between parliamentarians from participating States, including through existing inter-parliamentary associations and, *inter alia*, through joint commissions, television debates involving parliamentarians, meetings and round-table discussions”.¹³

In the Moscow Document (1991), there is further emphasis on and clarification of the role of democratic institutions in ensuring pluralism. Specifically the Moscow Document includes the provision that the participating States “reaffirm that democracy is an inherent element in the rule of law and that pluralism is important in regard to political organizations”.¹⁴ Pluralism in the institution of parliament, therefore, is an implied yet fundamental component of OSCE commitments. The impact of parliaments on levels of pluralism in governance, to which the OSCE commitments refer, is again illuminated by Levitsky and Way’s analysis of legislatures in authoritarian societies:

Legislative control is critical in competitive authoritarian regimes. For one, it enhances the executive’s capacity to manipulate and control other areas of politics. Because top judicial and electoral authorities often are chosen directly by legislatures or require legislative approval, executive control over constitutional courts, electoral commissions and other agents of horizontal accountability often requires a reliable legislative majority. Control over the legislature may allow the governing party to modify the constitution (for example, eliminating presidential term limits) to extend or deepen authoritarian rule.¹⁵

In his discussion of the importance of strong parliaments for democratic consolidation, M. Steven Fish provides an additional perspective on the link between parliaments and pluralism. He argues that “the strength of parliaments also affect[s] the development of political parties”.¹⁶ Using a case study of Bulgaria in the 1990s and early 2000s, he argues that “the strength of the legislature spurred the formation of parties that structured political competition and injected vigor into elections”.¹⁷ Fish expounds on this link by suggesting that when a legislature is weak and the executive is strong, “for politicians, the attractive positions are in the executive branch, and party work is not a prerequisite for a post there”; similarly, “for those who seek to influence policy, buying off an official in an executive branch agency beats building a political party”.¹⁸

13 Copenhagen Document, cited above (Note 1), section 27.

14 Moscow Document, cited above (Note 6), section 18.

15 Levitsky/Way, cited above (Note 9), p. 63.

16 Fish, cited above (Note 4), p. 15.

17 *Ibid.*, p. 16.

18 *Ibid.*, p. 16.

Parliaments as a Practical Reality in the Work of the OSCE

Parliament is present in a tacit way in the OSCE's body of commitments. However, this "tacit" presence has not prevented the OSCE from building a "parliamentary dimension" in its practices and programmes. The body of programmes, practices, and procedures qualifies and complements the picture offered above and suggests that the OSCE recognizes parliaments and parliamentarians as an essential component of its doctrine of comprehensive human security. Moreover, the OSCE is in fact an international organization with a major – yet not quite fully integrated – parliamentary component in its democratization strategies and planning.

This section will provide an overview of the major components in which the OSCE's work has had an impact on parliaments and local representative institutions. This requires us to look at the programmatic element, in other words the way in which OSCE institutions and field operations have provided assistance to build democratic institutions in line with commitments and their specific mandates. This section also references instances of how parliaments have been part of OSCE procedures and processes. In so doing, we hope to build an introductory picture of the importance of the OSCE's "parliamentary dimension".

"Build, Strengthen and Protect Democratic Institutions":¹⁹ The OSCE's Support for Parliaments

The OSCE's programmatic work, while rooted in unique commitments and standards agreed by political consensus among its participating States, is in many ways comparable, at an operational level, to the work of other international organizations and democracy assistance foundations. In this regard, its engagement in strengthening parliament as an institution and as a component of effective representative democracy can be classified in line with the international development strategies falling under the shifting labels of parliamentary strengthening, parliamentary assistance, legislative assistance, parliamentary development, or a similar combination of terms. A 2009 UNDP practice note defined this as "activities aimed at enhancing the representative, legislative or oversight capacity of parliamentary institutions in the governance process".²⁰ A more comprehensive definition is provided by the international parliamentary development practice portal site *Agora*:

[P]arliamentary support programmes are the primary mechanism for encouraging parliamentary development. These programmes aim to

19 CSCE Helsinki Document 1992: The Challenges of Change, Helsinki 10 July 1992, in: Bloed (ed.), cited above (Note 1), p. 701-777, Helsinki Decisions, part VI, section 2.

20 United Nations Development Programme, *Parliamentary Development. UNDP Strategy Note*, May 2009, p. 3, at: [http://www.agora-parl.org/sites/default/files/UNDP%20PD%20Strategy%20Note%20\(May%202009\).pdf](http://www.agora-parl.org/sites/default/files/UNDP%20PD%20Strategy%20Note%20(May%202009).pdf).

strengthen parliaments in order to foster representative, transparent, accountable, and effective government. [...] Within this framework, parliamentary support programmes draw from an array of approaches and methodologies depending on the context and needs of a given parliament.²¹

In doing this, the OSCE is part of a *de facto* “community of practice” that includes international and supranational organizations (UNDP, the World Bank, the European Union), other regional organizations (the Council of Europe), national development agencies (Canadian International Development Agency/CIDA, the UK Department for International Development/DFID, United States Agency for International Development/USAID), and democracy assistance foundations (the US political party foundations, the UK Westminster Foundation for Democracy), all of which have engaged in some form of parliamentary support and strengthening.²²

The OSCE, however, is not “another” democracy assistance provider; it has also built up a unique model of parliamentary development, with its own array of programmatic approaches. Professor Robert Nakamura, a former Director of the Center for Legislative Development at Rockefeller College, New York, has classified parliamentary assistance programmes according to the fundamental political theory assumptions that guide them. Nakamura has suggested that three main strategies exist: the institutional model, the party model, and the civil society-based model.²³ The OSCE’s programmatic support has largely fallen under the first two of these models. Under the “institutional” strategy, development assistance targets the problem that “while responsibilities may be great, legislatures in developing societies almost universally lack the means to carry them out”.²⁴ In contrast, under the “party” model, assistance is provided to remedy the problem or underlying issue that “legislative parties [and MPs themselves] [...] often lack the means of reaching out to constituents, have little technical knowledge needed to formulate policies [...] lack the ability to adequately analyze the government’s proposals, and are provided with few legislative venues for the articulation

21 *Parliamentary Strengthening*, Agora – Portal for Parliamentary Development, at: <http://www.agora-parl.org/node/471>.

22 For an overview of the “state of the art” in parliamentary development efforts, see the UNDP Strategy Note, cited above (Note 20); European Commission, EuropeAid, *Engaging and Supporting Parliaments Worldwide, Strategies and methodologies for EC action in support to parliaments*, October 2010, at http://ec.europa.eu/europeaid/what/governance/documents/engaging_and_supporting_parliaments_en.pdf; Arne Tostensen/Inge Amundsen, *Support to Legislatures*, Synthesis Study, Oslo, January 2010, at: <http://www.norad.no/en/attachment/160865/binary/94221?download=true>; Hudson/Wren, cited above (Note 12).

23 See Robert Nakamura, *Assessing Three Scenarios for Developing Democratic Legislatures: Implementation Lessons from the Field*, Paper presented at the 2008 Annual Meeting of the American Political Science Association, Boston, Massachusetts, 31 August 2008.

24 *Ibid.*

and advancement of preferences once formulated”.²⁵ Having established these analytical distinctions, it is important to note that the practice is of course more complex than the theory – parliamentary development programmes often overlap between Nakamura’s categories. Thus, for example, one can find programmes that have simultaneously targeted the strengthening of parliamentary party caucuses as well as the secretariat of parliament.

Field Operations and Parliamentary Strengthening Programmes

In the OSCE, the leading actors in parliamentary development programmes are the field operations. Under the mandates provided by the Permanent Council (PC), a significant number of OSCE field operations have implemented or are implementing activities to support the institutions and functioning of parliaments and other representative bodies. These programmes have often been framed as projects specially funded by one or more participating States (so called extra-budgetary projects) with multiple planned components over a multi-year period, complementing the core programmes of the missions, which are funded through the OSCE’s unified budget (the OSCE’s agreed annual budget to which all participating States contribute). This has been the case in, for example, Albania, Bosnia and Herzegovina, and Montenegro. In some cases, OSCE programmes have been developed based on an explicit mandate by the PC – for example in Albania, where the OSCE Presence is explicitly tasked with “parliamentary capacity-building”.²⁶ For other field operations, parliamentary strengthening programming has been implemented under broader institution-building or democratization mandates.

The above approach has been especially prominent in the OSCE’s field operations in South-eastern Europe, where the larger missions (in terms of staff) and more comprehensive mandates have allowed OSCE field operations to develop parliamentary assistance programmes in greater depth. OSCE field operations in other regions have more often than not engaged in more limited assistance activities aimed at parliaments, such as one-off workshops or study visits. In Central Asia, for example, other priorities have included human rights institutions, policing, border control, and combating corruption. There is significantly less “knowledge regarding the merits of democracy and the rule of law”,²⁷ and parliamentary strengthening projects have therefore taken on a smaller role in comparison to other dimensions. One of the key features and strengths of the OSCE approach to parliamentary strengthening is that the programmes have always been part of a wider institutional context, i.e. the OSCE field operations are implementing and deliv-

25 Ibid.

26 OSCE, Permanent Council, *Decision No. 588, Mandate of the OSCE Presence in Albania*, PC.DEC/588, 18 December 2003, p. 1.

27 Alexander Warkotsch, *The OSCE as an Agent of Socialisation? International Norm Dynamics and Political Change in Central Asia*, in: *Europe-Asia Studies* 5/2007, pp. 829-846, here: p. 843.

ering wider assistance programmes as they relate to democracy, human rights, and the rule of law.

An excellent example is the work of the OSCE Mission in Kosovo, where the Mission's support, since 2001, of the Assembly of Kosovo has been couched and embedded in its wider mandate of institution-building under UN Security Council Resolution 1244 of 10 June 1999, which included support for the construction of a democratic system of government established through the Provisional Institutions of Self-Government set up by the United Nations Interim Administration Mission in Kosovo (UNMIK). In the case of Kosovo, this initially included the devising and administration of the electoral system itself, and later on the establishment of the parliamentary structures elected under this electoral system (the Assembly of Kosovo and the municipal assemblies).²⁸ The way in which these parliamentary programmes have been "embedded" into missions offering wider support in the areas of democratization, human rights, the rule of law, and security sector reform has allowed field operations to incorporate in-house expertise and develop assistance to parliaments that goes beyond the purely technical aspects of building up and maintaining parliamentary administration.²⁹ This is arguably a key advantage of the OSCE's approach to parliamentary strengthening, one that sets it apart from the work of the stand-alone parliamentary strengthening projects run by some democracy support foundations.

Another distinct feature of the work on parliamentary strengthening of the OSCE field operations in South-eastern Europe has been the emergence of regional co-operation among field operations as a key element in assistance programmes. Building on geographical proximity, broadly similar stages in parliamentary development, and linguistic commonalities, the OSCE field operations in South-eastern Europe have been able to develop and implement a number of joint training programmes and regional events for both parliamentary staff and members of parliament. These events have focused on raising the technical knowledge and expertise of beneficiaries on issues as varied as delivering and implementing e-parliament strategies, parliaments and the European integration process, and parliamentary oversight. These field operations in South-eastern Europe have also sought to build closer networks of solidarity and peer-to-peer expertise-sharing among specific categories of beneficiaries, for example secretaries-general of parliamentary administrations and women members of parliament. Nevertheless, the mainstay of the programmes' day-to-day work has been working with parliamentary staff and parliamentarians on the domestic political scene, guiding, assisting, advising, and training them based on the needs identified

28 See Bernhard Knoll/Kara Johnston-Molina, 'A Rocky Path: Kosovo's Transition to Provisional Self-Government', in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 131-150.

29 Notable examples of this include the OSCE Presence in Albania.

by parliament and on the assessment and analysis of the field operations' programmatic staff.

Interventions and projects have been diverse and varied, but can all be traced back to the overall goal of strengthening the capacity of the parliament to legislate, hold the executive to account, and be responsible to the electorate. Thus, for instance, the Mission to Bosnia and Herzegovina as well as the Mission in Kosovo developed a Public Hearings Manual to be used by the legislature with the aim of improving the conduct of public hearings in the legislative and policy-making process.³⁰ Recognizing that IT processes and tools can help to strengthen transparency and efficiency in law drafting and lawmaking processes and can aid the functioning of parliaments in general, some field operations, such as the OSCE Mission to Serbia, have worked with parliaments to implement so-called "e-parliament" solutions.³¹

Several field operations have also worked with members of parliament and parliamentary committees to develop citizen outreach events and programmes. These have included promoting the use of parliamentary committee field visits to investigate and monitor the implementation of laws or to study specific issues, and the better and more extensive use of parliamentary websites and public relations services and material.

Monitoring the performance of parliament has been a key part of some field operations' work. The field operation is thereby able to proactively address issues that arise from parliament's functioning or debates, as well as parliament's adherence to the legal and regulatory framework. For example, the OSCE Mission in Kosovo publishes a regular "Assembly of Kosovo Monitoring Report" which records and analyses the work of the Assembly.³² While most parliamentary assistance activities involve direct advice to parliamentary staff and members of parliament, the use of published monitoring reports can help to raise concerns about the correct functioning of parliaments. The OSCE Mission in Kosovo used its monitoring reports, for example, to encourage the Assembly to publish all questions to the government which had been tabled by members of the Assembly, including all those which had remained unanswered.³³

30 For the Bosnia and Herzegovina Manual, see http://www.oscebih.org/documents/osce_bih_doc_2010122016042890eng.pdf; the Kosovo Manual was developed in co-operation with the National Democratic Institute (NDI) and is available at: http://www.ndi.org/files/ksv_publichearing_010104.pdf.

31 See e.g. National Assembly of the Republic of Serbia, *NARS and OSCE Sign Memorandum of Understanding*, 22 December 2010, at: http://www.parlament.gov.rs/NARS_and_OSCE_Sign_Memorandum_of_Understanding.12782.537.html. For more information, see e.g. Inter-Parliamentary Union and United Nations Department of Economic and Social Affairs, *World E-Parliament Report 2010*, at <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan039336.pdf>.

32 The Assembly of Kosovo Monitoring Reports are available at <http://www.osce.org/kosovo/66128>.

33 Cf. Franklin De Vrieze, Building parliamentary democracy in Kosovo, in: *Security and Human Rights* 2/2008, pp. 121-136, here: p. 131.

With regard to the OSCE field operations, the principle of donor co-ordination – as in other fields of development assistance – has also been a key challenge in the area of strengthening parliaments. In one instance, the OSCE field operation has played a special role in guiding efforts to streamline and co-ordinate donor support for parliament: As head of a special “Assembly Support Initiative”, the OSCE Mission in Kosovo chaired a special group of key donors and the Assembly leadership, thereby helping to prevent duplication and the overburdening of parliamentary staff.³⁴

It is interesting to note that while parliaments are not mentioned directly in some of the early, fundamental human dimension documents such as Copenhagen and Moscow, the reality of the OSCE’s work in parliamentary strengthening has been recognized *a posteriori* by later documents from the OSCE Ministerial Council such as those from Bucharest in 2001 or Maastricht in 2003.³⁵

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) and Parliamentary Strengthening

ODIHR’s democratization programme has also played an active role in supporting and strengthening parliaments in the OSCE region, albeit to a lesser extent than the field operations. One specific early project (implemented in 2006-2008) was direct assistance to the Parliament of Georgia, carried out in co-operation with the now-defunct OSCE Mission to Georgia. The project comprised the development of the Centre for Parliamentary Reform (CPR) in the Georgian Parliament, a special donor-co-ordination facility, which was modelled to some extent on the Assembly Support Initiative in Kosovo (see above). ODIHR’s role in parliamentary strengthening has since moved on to building a partnership with the OSCE field operations’ parliamentary strengthening efforts on the ground by providing expert advice and knowledge products, co-moderating events and regional training measures,³⁶ and

34 See Franklin De Vrieze, OSCE coordinates parliamentary support programmes, in: *Hel-sinki Monitor* 1/2007, pp. 57-63.

35 “ODIHR: Will continue and increase efforts to promote and assist in building democratic institutions at the request of States, inter alia by helping to strengthen [...] parliamentary structures [...]”, The Bucharest Plan of Action for Combating Terrorism, Annex to MC(9).DEC/1, in: OSCE, *Ninth Meeting of the Ministerial Council, 3 and 4 December 2001*, MC.DOC/2/01, Bucharest, 4 December 2001, pp. 8-13, here: p. 10, section 10; “Conflict prevention and post-conflict rehabilitation involve substantial efforts by the Organization [...] in building democratic institutions [...] *inter alia*, by supporting capacity building and helping to strengthen [...] parliamentary structures [...]”, OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, in: Organization for Security and Co-operation in Europe, *Eleventh Meeting of the Ministerial Council, 1 and 2 December 2003*, MC.DOC/1/03, Maastricht, 2 December 2003, pp. 1-10, here: p. 5, section 27 (emphasis in the original).

36 For a recent example, see OSCE, *Seminar Report, OSCE Regional Seminar for Parliamentary Staffers on Parliamentary Oversight and Independent Institutions*, held in Tirana

building up closed online knowledge-sharing groups for OSCE staff working on parliamentary support. Building on its role as a source of occasional advice and knowledge for the field operations, ODIHR has also acted as a partner for the aforementioned parliamentary strengthening website Agora (run by a consortium of leading actors in parliamentary support, including UNDP, the EU, the National Democratic Institute/NDI, the World Bank Institute, and the International Institute for Democracy and Electoral Assistance/International IDEA).

Beyond direct parliamentary assistance, ODIHR's work in the area of legislative support and legal reform is of crucial importance to parliaments. Legislative support impacts parliament in two key ways. First, ODIHR provides expertise and good practice on human dimension issues as addressed through legislation, and shares these with participating States and their policy-making institutions by giving its opinions on draft laws; these are expounded at round-table meetings and often addressed to legislators in parliaments and legal analysts among parliamentary staff. By issuing special legislative guidelines,³⁷ ODIHR responds to requests from participating States and OSCE field operations to review draft laws for compliance with human dimension commitments. Legislation, opinions, and guidelines are also shared on a free-of-charge online legislation database (www.legislationline.org). Second, by means of its "democratic lawmaking" assessment processes, implemented at the request of OSCE participating States, ODIHR helps OSCE participating States institutions (including ministries and parliaments) to pinpoint areas where their law drafting or lawmaking processes can be made more inclusive, transparent, and efficient.³⁸

The OSCE Parliamentary Assembly: "Parliamentary Diplomacy" as a Form of Parliamentary Strengthening

Although some would argue that the OSCE Parliamentary Assembly (PA), the autonomous assembly of parliamentarians from OSCE participating States, is not an OSCE institution *strictu sensu*,³⁹ it is essential to understanding the OSCE's "parliamentary dimension". Through a series of incremen-

by the OSCE Presence in Albania with ODIHR support in December 2010, at: <http://www.osce.org/odihr/78844>.

37 Such as the OSCE-ODIHR/Venice Commission *Guidelines on Freedom of Peaceful Assembly*, Warsaw 2010, at: http://www.legislationline.org/download/action/download/id/3256/file/FoA_Guidelines_II_Edition_2010_en.pdf, and the OSCE-ODIHR/Venice Commission *Guidelines on Political Parties Regulation*, Warsaw 2011, at: http://www.legislationline.org/download/action/download/id/3499/file/Guidelines%20on%20Political%20Party%20Regulation%202010_en.pdf

38 Such assessments have so far been undertaken (in partial or complete forms) in Georgia, Moldova, the former Yugoslav Republic of Macedonia, and Serbia. For the full assessments, see: <http://www.legislationline.org/search/runSearch/1/category/93>.

39 On this issue, see Beat Habegger, Democratic control of the OSCE: The role of the Parliamentary Assembly, in: *Helsinki Monitor* 2/20062, p. 133-143.

tally agreed working practices, the PA has developed, in effect, an “informal, yet dense network”⁴⁰ within the OSCE’s institutional architecture. Its creation was a specific response to the appeal made by the participating States in the 1990 Charter of Paris for a New Europe to create “a [...] parliamentary assembly, involving members of parliaments from all participating States”.⁴¹

The PA’s activities can be described primarily as “parliamentary diplomacy”,⁴² which is defined as “the international activities undertaken by parliamentarians in order to increase mutual understanding between countries, to assist each other in improving the control of governments and the representation of a people and to increase the democratic legitimacy of inter-governmental institutions”.⁴³ Such “parliamentary diplomacy” is increasingly undertaken through International Parliamentary Institutions (IPIs), the number of which has increased considerably, especially since the Second World War; one estimate suggests that there are at least 68 of these, of various sizes and purposes, in existence.⁴⁴

“Parliamentary diplomacy” activities, as undertaken by the OSCE PA and other IPIs, are considered to be an integral part of the family of international parliamentary development activities.⁴⁵ The OSCE PA explicitly sees one of its missions as “support [for] the strengthening and consolidation of democratic institutions in the OSCE participating States”.⁴⁶ This mission has also been recognized and welcomed by the Istanbul Summit of OSCE Heads of State or Government in 1999.⁴⁷ The core work of the PA – its sessions and debates – (like that of a number of other IPIs) serves a number of key parliamentary strengthening purposes: At a primary level, parliamentarians gain information and expertise from debates and informal contacts, thereby increasing their capacity to contribute to parliamentary business; this includes conducting oversight of executive decision-making, including in the area of foreign policy. Indeed, the kind of thematic and regional seminars that the PA has undertaken⁴⁸ are a form of “capacity building” for parliamentar-

40 Ibid., p. 142.

41 Charter of Paris for a New Europe, Paris, 21 November 1990, in: Bloed (ed.), cited above (Note 1), pp. 537-566, here: p. 549, also available at: <http://www.osce.org/mc/39516>.

42 Andreas Nothelle, *The OSCE Parliamentary Assembly – Driving Reform*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2006*, Baden-Baden 2007, pp. 347-373, here: p. 347.

43 Frank W. Weisglas/Gonnie de Boer, *Parliamentary Diplomacy*, in: *The Hague Journal of Diplomacy*, 2 (2007), pp. 93-99, here: pp. 93-94.

44 Cf. Zlatko Sabic, *Building Democratic and Responsible Global Governance: The Role of International Parliamentary Institutions*, in: *Parliamentary Affairs* 2/2008, pp. 255-271, here: pp. 260-261.

45 See for instance European Commission, *EuropeAid*, cited above (Note 22), p. 92; Sabic, cited above (Note 44).

46 OSCE Parliamentary Assembly, *Rules of Procedure*, 25 March 2011, Part I, Rule 2 (b), available at http://www.oscepa.org/index.php?option=com_content&view=article&id=223:PART%20I&catid=35:Rules%20of%20Procedure.

47 Cf. Charter for European Security, section 17, in: Organization for Security and Co-operation in Europe, *Istanbul Summit 1999, Istanbul Document 1999*, Istanbul 1999, p. 5. Article 17.

48 For an extensive overview, see Nothelle, cited above (Note 42) p. 367.

ians, in that they have often addressed topics which are problematic for emerging or transitional democracies:

In an organization like the OSCE, whose participating States are at very different stages in the development of parliamentary democracy, the international level is often the only opportunity for some parliamentarians to receive important information that enables them to exercise their control function.⁴⁹

At the same time, exchanging information via bilateral or multilateral contacts can be valuable even for parliaments from democracies with a longer track record, as the former Speaker and Secretary-General of the Dutch Parliament have recognized:

Democracy is not a static condition - there is no real 'end state' that can be achieved. Parliamentary diplomacy, therefore, is also of great importance to provide periodically both developing as well as developed countries with a mirror to examine their own virtues and faults.⁵⁰

As a result of participation in a common democratic framework for debate, basic norms of democratic parliamentarism are reinforced as well; this too should be seen as a form of training, particularly for parliamentarians who come from environments where debate in parliament is either minimal or highly polarized. While its activities are difficult to benchmark and its outcomes hard to measure, there may well be a "socialization" effect at play, in that peer-to-peer meetings spread and reinforce a positive *esprit de corps* mentality among parliamentarians.⁵¹ This is particularly valuable for parliamentarians from countries where the value of parliament as an institution and the core work of a member of parliament are underestimated and seen as "second fiddle" to a powerful executive.

Conclusion: Towards OSCE Principles for Parliaments?

This article has "mapped" the presence of parliaments in the OSCE's commitments in the human dimension, comparing and contrasting the commitments with the practice of the OSCE's institutional support programmes. In an overview of the under-studied parliamentary aspect of the OSCE's work, this paper has argued that the ostensible omission of parliaments from the key declarations of the early 1990s should not be interpreted as an underestima-

49 Ibid., p. 348.

50 Weisglas/de Boer cited above (Note 43), p 96.

51 Such effects have been studied *inter alia* in Trine Flockhart, "Masters and Novices": Socialization and Social Learning through the NATO Parliamentary Assembly, in: *International Relations* 3/2004, pp. 361-380.

tion of the role of parliaments in the OSCE's doctrine of human security. Rather, the tacit recognition of parliament in many of the key principles outlined in the commitments, as well as the evolution of a substantial body of programmes and practices that target parliaments, suggest that parliaments are an essential element of the OSCE's human dimension doctrine. This article's introductory overview of the "parliamentary dimension" of the OSCE's democratization work should be grounds for outside actors as well as OSCE policy-makers and staff to regard the OSCE as one of the key actors working in the field of parliamentary support and strengthening. By way of conclusion, one may suggest that a greater recognition of the OSCE's role as a parliamentary strengthening actor could be accompanied by an increased effort on the part of the OSCE and its institutions to compile and develop OSCE guidelines, standards, or recommendations for parliaments based on the practice of OSCE participating States.

This would arguably play to one of the OSCE's strengths as an organization: the ability to couple clear and unique standards and norms with effective programmes of assistance tailored to those norms and principles. In this regard, it would be consistent with an emerging trend in the world of parliamentary assistance, namely an accelerated move towards developing comprehensive international "standards" and "benchmarks" to measure the quality of parliamentary democracy. Notable efforts have included (but are not limited to) the Commonwealth Parliamentary Association's *Benchmarks for Democratic Legislatures* (2006), the National Democratic Institute's *Toward the Development of International Standards for Democratic Legislatures* (2007), the Inter-Parliamentary Union's *Self Assessment Toolkit for Parliaments* (2008), and the *Critères d'évaluation* of the Parliamentary Assembly of the Francophonie (2009).⁵² The Council of Europe, arguably the OSCE's closest institutional partner, has also moved forward in its consideration of the development of similar standards and guidelines for parliaments.⁵³

52 For a good overview, see UNDP, *Benchmarks and Self-Assessment Frameworks for Democratic Parliaments*. Brussels/New York 2010, at http://capacity4dev.ec.europa.eu/sites/default/files/documents/topic/Benchmarks_and_self-assessment_frameworks_for_democratic_parliaments.pdf.

53 See Council of Europe Parliamentary Assembly, *Motion for a resolution: Towards a model rulebook for self-evaluation by Europe's national parliaments*, Doc. 11774, 11 December 2008, at: <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11774.htm> (a draft report is under elaboration by Andreas Gross, Member of the Parliamentary Assembly of the Council of Europe); see also Council of Europe Parliamentary Assembly, *Resolution 1601 (2008), Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament*, at: <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta08/eres1601.htm>. The Venice Commission has also adopted some opinions examining standards for democratic parliaments, see e.g. Council of Europe, European Commission for Democracy Through Law (Venice Commission), *Report on the Role of the Opposition in a Democratic Parliament*, CDL-AD(2010)025, Venice, 15-16 October 2010, at: [http://www.venice.coe.int/docs/2010/CDL-AD\(2010\)025-e.pdf](http://www.venice.coe.int/docs/2010/CDL-AD(2010)025-e.pdf).

OSCE efforts to move towards standards consolidation could draw upon the practices of OSCE regional parliaments, the commitments adopted by the participating States (Helsinki, Copenhagen, Moscow), recommendations developed by the OSCE Parliamentary Assembly, and the expertise and practice of the well-established parliamentary strengthening programmes that are a core element of the OSCE's institutions and field operations.