

Opening remarks by Mr. Martin Chungong, IPU Secretary General

A parliamentary perspective on current and future Rule of law challenges and opportunities Consultation with parliamentarians

17 July 2020

Ladies and gentlemen,

It gives me great pleasure to welcome you to this consultation on current and future challenges and opportunities to the rule of law. We are pleased to partner with IDLO in organizing this meeting. Thank you Ms. Jan Beagle, Director-General of IDLO, for reaching out to the IPU to co-organize this meeting.

We are living extraordinary times as the result of a health crisis that has caused havoc to our societies. Almost 600.000 people have died thus far of a virus that for many of us, despite previous warnings about the prospect of a pandemic, came out of the blue. Even more people have fallen ill, with sometimes serious consequences. In the space of only weeks, large parts of the world moved towards an unprecedented lockdown.

The new rules of social distancing and confinement have disrupted day-to-day human interaction at its core. This has been no less true for parliaments, which thrive on bringing people and ideas together. Parliaments and their members have had to change the way they work, resorting increasingly to virtual ways of communication. Indeed, many parliaments have shown great initiative in overcoming legal and technical hurdles to ensure that their work continues. This is not only an interesting, but also an indispensable development.. At a time of crisis, parliamentary vigilance and oversight of executive powers is all the more critical.

The consultation that we are having today cannot be dissociated from the extraordinary situation we are experiencing and the challenges and opportunities it brings. The current crisis has underscored the ease with which a virus can spread and bring the world to a halt. It has brought out the pervasive inequality that dominates many of our societies. It has highlighted the social and economic precariousness that many of our citizens live in. Good access to internet has come to serve more than ever before as a dividing line between those who can - and cannot - move forward in life as work and education opportunities go virtual. The crisis, and our response to it, have also raised questions about the way we see our jobs and organizations, challenging the deeply engrained idea that "going to work" really means what it says.

It is my hope that we will use this crisis as a wake-up call to address these challenges in the knowledge that the pandemic has shown once more that we are all in this together and that we can only succeed if we put up a united front. Indeed, it should be clear that we cannot go back to business as usual once Covid-19 becomes a distant memory.

Now where does this leave parliaments?

Let me start by saying that, in the face of crisis, parliaments and parliamentary democracies do a better job of protecting economies and societies than an autocracy ever can. Open discussion tends to allow a better flow of ideas and information and makes it more likely that our societies will find effective solutions. For this very reason, parliamentary democracies tend to have stronger, fairer, more stable politics, societies and economies.

While this may be obvious to many of us, we know all too well that parliaments can do a better job in meeting citizens' needs. Public faith in many parliaments is low due to the perception that they are disconnected from reality. In order to turn the tide, parliaments and their members need to be bold in reimagining their roles and ways of functioning. Short-termism needs to be replaced by ambitious thinking and action to address challenges, many of which will continue to be around long after we ourselves are gone. Parliaments need to offer a genuine platform where the best ideas carry the day and where there is no place for personality-politics and a "winner-takes-all" mentality. Parliaments need to do a better job at truly representing all people and reaching out to them. The corrosive impact of money on politics needs to be curtailed: parliaments should play a leading and exemplary role in making this happen. Parliamentary discourse should be solidly grounded in facts and civility. The reliance on "fake news" to discredit an opponent or to deny one's own responsibility should not be an option. In the same vein, society is not served when political debate turns into a shouting match or when cross-party cooperation is portrayed as treason.

It is obvious too that more needs to be done to ensure the proper separation of powers between the three main branches of states. No one who exercises power is pleased when that power is challenged. Some degree of tension between parliament and the judiciary is normal, as is the case with the executive branch of government. Yet, in today's polarized world, what should be healthy tension is sometimes amplified beyond proportion. We see political leaders speak out publicly, without restraint, against judicial decisions that don't go their way. At the same time, courts that are not independent may deliver verdicts against politicians that defy basic notions of justice and fairness.

Likewise, relations between parliaments and the executive are often problematic too. Parliaments need to show the political will and have the proper resources to carry out effective oversight and hold the executive to account. It is crucial that the opposition can make a meaningful contribution in parliament. However, "oversight" and "opposition" are not the same: parliamentary scrutiny is a responsibility of all parliamentarians, irrespective of whether they belong to the majority or minority.

Parliaments have to rise to the occasion and seriously tackle these challenges. The argument that there is no convincing alternative to parliamentary democracy is no justification to accept the *status quo*; a big responsibility falls on parliaments to take the lead in reshaping their own destiny and that of their countries. In doing so, the rule of law should be foremost on their minds as it offers guidance on how to safeguard the separation of powers in the belief that each of the three state pillars have different roles to play within a clearly defined system of checks and balances. The rule of law also guides parliaments in helping ensure that laws are clear, just and applied evenly to protect fundamental rights and that law-making and law-enforcement processes are accessible, fair and efficient. But this is not enough. People will not settle for laws and policies that are lawful in the strict sense of the word, but that nevertheless exclude vast parts of society from reaping the benefits of human progress. The rule of law is therefore not only about fair processes but also about ensuring fair outcomes for everyone.

Ladies and gentlemen,

They say that "all politics is local" and that "global problems require global solutions". It is not hard to see that global problems increasingly have local ramifications. A local farmer may see his crop devastated as a result of climate change. A multinational company's move abroad to avoid taxes drains important financial resources away from local initiatives in support of education and basic social services. A global race to the bottom in terms of labor standards, leaves local workers without protection and prey to abuse.

Parliaments and their members are therefore faced with the daunting task and responsibility of explaining the bigger picture to constituents, without demonizing the global community or the "other" as the culprits for the problems we face. Instead they should be making the case that the situation we

are in requires everyone to come together in order to help ensure rule of law-based societies that produce fair outcomes for everyone.

Ladies and gentlemen,

Your leadership is needed now more than ever before. Threats, large and small, which directly or indirectly undermine the rule of law, are calling out for parliamentary action. The specter of nuclear war and the use of chemical weapons is still there. Challenges related to voluntary and forced migration loom large too. Corners of the world are still subject to terrorism and violent conflict continues to plague millions of people across the globe. Climate change may be the most defining and daunting challenge of our time, but other phenomena, including rising levels of inequality, the retreat of multilateralism and human rights, violent extremism, racism, the disruptive and perverse effects of technology, artificial intelligence and bioengineering, all compete for – and warrant – our attention.

The challenges are immense but so are the opportunities. For one, technological progress, if used well, can lift millions of people out of poverty and help to tackle climate change. A more robust return to multilateralism can inject our global discussions with the necessary trust and energy to make serious headway in tackling our common challenges together.

I hope that today's consultation will help to bring out your perspective on current and future issues affecting the rule of law and on how parliaments can be a force for good in addressing both challenges and opportunities. As we will only be successful by acting jointly, it would be important for us to hear from you what kind of partnerships you would like to see for our two organizations and how IPU and IDLO can work hand in hand to engage with parliaments on pressing rule of law questions.

I wish you a fruitful consultation.

Thank you.