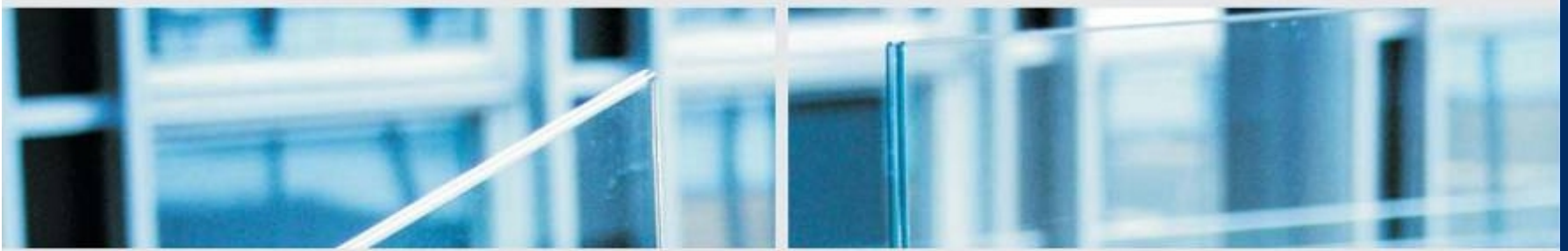


PATHWAYS OF ACCOUNTABILITY THROUGH PARLIAMENTS VIS-À-VIS INTERNATIONAL HARD AND SOFT LAW

The case of Finland and global climate governance



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Outline

- **Resilience, Accountability, democracy and role of parliaments**
- **Climate change and hard and soft law**
- **Our case and methodology**
- **Results**
- **Conclusions**



Accountability, democracy and role of parliaments

Our assumption is that resilience will require much stronger global governance in certain areas like climate change

There is a democratic deficit of global governance according to Zürn (2004) and others for example because it:

1. lacks of identifiable decision-makers who are directly accountable for wrong decisions
2. the dominating role of executive decision-makers (executive multilateralism)
3. prime actors are at best only accountable to a fraction of the people affected by their activities

Climate change and hard and soft law

We focus on legalization, the use of norms, as a tool of global climate governance, norms which range from:

- formal legally binding treaties (hard law): UNFCCC, Kyoto Protocol
- to non-legally binding declarations and decisions (soft law): Commission on Sustainable Development decisions, International Renewables Conferences, G8 declarations on climate change, Copenhagen Accord

Abbott et al. define how hard a law is based on the criteria: precision, delegation and obligation

Case and methodology

Procedural legitimacy

Our analysis looks at the mechanisms of the parliament to hold the government to account for their part in international climate policy

- Preparation /negotiation phase
- Ratification phase (Acceptance and Bringing into force of international obligations)
- Implementation phase

Analysis of parliamentary documents, interviews with government officials, parliamentary clerks, parliamentarians, researchers

Negotiation of international treaties

The Finnish parliament has the right to receive information on international affairs

- Upon request
 - the Foreign Affairs Committee can request from the government reports on matters pertaining to foreign policy

Negotiation of Treaties negotiated under the EU

The government has to inform the Parliament about ongoing larger processes after receiving notice of the proposal from the EU commission

The Parliament can then

- Demand information from the cabinet on the negotiation position
- Invite main negotiator, members of the delegation, government officials to committee meetings
- Ask oral and written questions in plenary sessions

Ratification and implementation phase

- Government bills are on ratification and implementation presented to the parliament for approval
- Committee consideration is mandatory in EU matters and in matters with legislative nature which precedes the plenary stage
- The Grand Committee summarizes the position of the Parliament, the Government need not adhere to it
 - resolutions are attached to the government bills

Parliament and the monitoring of compliance of international obligations

- The role of the parliament in monitoring of progress made on implementation
 - No habitual reporting to the parliament on progress made
 - No monitoring for whether the obligations are being met or not
 - EU-communications which include a national position on the matter include almost without exception the information of GHG emission reductions, but progress on other provision is not included, unless the matter
 - Reporting to the UNFCCC and the EU is coordinated by one ministry, but even here there is no individual person responsible for monitoring

Accountability all phases

Changes made to government bills after committee readings and plenary sessions are usually of rather small nature (e.g. state budget proposals have changed by an average of 1% in parliamentary handlings)

Challenges for holding the government to account:

- A majority government
- Strong party discipline
- Composition of committees reflect the relative strength of parliamentary groups
- A weak opposition due to fragmented political positions
- Interpellations?

→ Formal parliamentarism, but the parliament is mainly reacting to initiatives from the government (and EU), without real power to influence in any of the 3 phases

Hard or Soft law?

Hard law	Soft law
<p data-bbox="117 294 759 344">UNFCCC (general provisions)</p> <p data-bbox="117 408 432 458">Kyoto Protocol</p> <p data-bbox="117 465 919 793">-detailed provision especially on emission reduction targets have been emphasised throughout the whole political decision making process (EU communications, parliamentary documents and sessions)</p> <p data-bbox="117 865 948 1086">- Binding commitments and obligations under EU law (sanction system) ~40 legislative arrangements and programmes</p> <p data-bbox="117 1150 813 1250">- Secures financial resources for implementation</p>	<p data-bbox="1014 294 1846 622">-Soft provisions on financial support for adaptation measures and technology transfer or awareness rising have received very little importance in EU communications and Finnish parliamentary handling</p> <p data-bbox="1014 694 1470 743">Copenhagen Accord:</p> <p data-bbox="1014 751 1827 908">- is not considered as relevant from the policy perspective, expectations in Cancún</p> <p data-bbox="1014 979 1837 1079">-CSD a few parliamentarians attended a few meetings</p> <p data-bbox="1014 1150 1837 1422">If the treaty is not binding, it does not enter the parliament →not included in the negotiations of the Government programme (basis for the state budget)</p>

Conclusions

Accountability

- Formally strong parliament but weak practice of accountability

UNFCCC and Post-2012

- Current EU directives binds Finland to continue with its climate policy even if the KP second commitment period negotiations should fail

Soft Law

- Parliaments ignore soft law but these may over long time exert significant influence internationally
- The most vulnerable countries who have a resilient climate system as their top priority always demand for the most legally binding forms, a protocol as detailed and enforceable as possible with strong compliance mechanisms (delegation)

Thank you!



EU

- Finland is implementing at national level various EU-wide legislative arrangements and programmes known as Common and Coordinated Policies and Measures (CCPMs) affecting greenhouse gas emissions. These include i.a.
 - the burden sharing agreement pursuant to Article 4 of the Kyoto Protocol,
 - the EU Emissions Trading Scheme,
 - the EU Climate and Energy Package for the post-2012 period and
 - the Decision on the Monitoring Mechanism.
- ~40 legislative arrangements (decrees, regulations directives)