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Parliaments and European Security Policy

Mapping the Parliamentary Field¹

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1 Introduction

Research on the democratic and parliamentary control of European policies has mainly focused on the EU's first pillar.² The EU's Common Foreign and Security Policy (CFSP), which includes the EU's civilian and military crisis management capability (European Security and Defense Policy, ESDP) has received only scant attention.³ One of the reasons for this may be that there is a venerable tradition in political theory which applies different standards of democratic control to domestic policies on the one hand and foreign policies on the other and argues that foreign and security policy belong to the exclusive domain of the executive and lie outside the sphere of parliamentary control.⁴

This volume starts from the assumption that this view is, at the very least, highly problematic. Rather than lying rightly outside the sphere of parliamentary control, security policies should be included in the scrutiny of parliaments and the democratic control of security through parliaments should be firmly institutionalized.⁵ Given the fact that in the past two decades security policy has become increasingly incorporated in European integration parliamentary control must also address this European dimension and the lack of research into this issue is especially lamentable.

This volume is intended as a contribution towards filling this gap. Its prime goal is to map the field of parliamentary control of European security policy and thus to present a concise overview over the institutions and particular problems of parliamentary control in this sphere. While chapter two will elaborate on the argument why parliaments should play an important role in security policy and in European security policy in particular and chapters three to six will look at different institutions of parliamentary control, this chapter will develop an overall frame and, against this backdrop, draw together some of the results of the other chapters to present an overall view of parliamentary control of the EU's security policy.

² See, among many others, Weiler et al. 1995; Moravcsik 2002; Føllesdal/Hix 2006.

³ Important exceptions include Kantner/Liberatore 2006; Bono 2004, Hilger 2002, Hummel 2003, Koenig-Archibugi 2002.

⁴ Classics of this tradition include John Locke 1960 [1690], *Two Treatises of Government*, edited by Peter Laslett, Cambridge: Cambridge University Press, particularly §§ 145-148 of the Second Treatise and Alexis de Toqueville 1990 [1835/1840], *Democracy in America*, Volume I, New York: Vintage Books, 234f.

⁵ For an elaboration of this argument see section two of this chapter and the contribution of Christopher Lord to this volume (chapter 2).

What makes parliamentary control of European policies in general and also of European security policy unique is that different levels of parliamentary control interact with each other. There is not only one parliament which interacts with one executive. Rather there are numerous parliamentary institutions at both the member state and the European level and, moreover, there exist also transnational institutions, i.e. institutions linking member state parliaments among each other and member state parliaments with the European level. In order to arrive at an overall picture of parliamentary control we therefore need a conceptual tool that allows us to look both at the different levels of parliamentary involvement and at how they interact with each other.

To this end we utilize the notion of the parliamentary field that has recently been developed by John Erik Fossum and Ben Crum (2008). According to this concept the relations between parliaments in the EU can be conceived as a field with particular institutional characteristics. Mapping this field and investigating its characteristics will not only help us to develop a detailed overview of parliamentary control procedures. It will also help us to explore the legitimacy base of the European Union's security policy. Fossum and Crum have developed three ideal-type parliamentary fields which could provide a basis for legitimizing European policies, depending on the European Union's characteristics as a polity. Exploring the layout of the parliamentary field in the area of security policy and comparing it with Fossum and Crum's ideal-types will therefore provide us with a tool for highlighting achievements and problems in the parliamentary control of European security policy.

Thus, in what follows we will, first, briefly elaborate on the argument why parliaments should be involved in security policy at all. Secondly, we will develop the notion of the parliamentary field as our conceptual lens through which we will analyze parliamentary control of European security policy in this chapter. We will outline three ideal-type conceptions of the parliamentary field, based on three ideal-type conceptions of the EU as a regime, as a would-be federal state, and as a regional component of a cosmopolitan order. Against this backdrop we can then map the actual parliamentary field by outlining arrangements at the national and supranational levels and institutions that cross these levels. In conclusion we will reflect on how the parliamentary field relates to the ideal-types and what this implies for the democratic legitimacy of the EU's security policy.

2 Democracy, parliaments, and the EU's security policy

The democratic control of European security policy is located at the interface of two areas that both are highly problematic in terms of democratic legitimacy and democratic control: security policy and European integration. To begin with, security policy has long been viewed as an issue area to which standards of democratic participation and democratic control should not be applied in the same fashion as to domestic politics.⁶ In this view, effective foreign and security policies require a considerable degree of flexibility and secrecy. Since this does not square well with the transparency and deliberative character of democratic decision-making processes foreign and security policies should be isolated from such processes.

This view is highly questionable however. Instead one may argue that security policy is a field in which democratic control is of particular importance. Especially in liberal democracies democratic control of security policy in general and of the armed forces in particular can be regarded as a fundamental achievement of civilizing and democratizing the state. Because security policy is at the heart of the state and affects citizens much more fundamentally than other policies, e.g. by requiring them to risk their lives in war, the democratization of security might even be viewed as the culmination of democracy (with a view on Kant see for example Eberl/Fischer-Lescano 2005). It is certainly the single most important area in terms of the democratic ideal that those affected by a decision must have an equal chance to influence it, as citizens would here potentially decide on their own physical survival.

Democratic control here implies control through parliaments as representative institutions. To be sure, parliaments are not the only channel through which democratic control may be exercised. The general public and civil society have their roles as well, e.g. through scandalizing decisions and demanding changes as could be seen in the widespread protests surrounding the 2003 intervention in Iraq by a US-led coalition. Furthermore, courts may also contribute to democratic control by examining the legality of decisions. However, neither the general public nor courts can substitute for parliamentary control as neither of them is entitled to make binding political decisions. As Christopher Lord elaborates in his contribution to this volume (chapter 2) parliaments have a particularly valuable contribution to make to the democratic control of policies in general and of security policy in particular. As representative institutions they are able to

⁶ See fn. 3.

guarantee the principle of political equality in making or scrutinizing political decisions. And since parliaments cover all areas of political decisions in their work they are better equipped than issue-specific institutions to review functionally specific security cooperation in the context of all other policies.

But organizing democratic control of security policy within the European Union is far from easy and this touches on the second issue which makes democratic control of European security policy problematic. International cooperation and European integration pose particular obstacles to democratic and parliamentary control. These obstacles occur even though international cooperation may be considered a crucial prerequisite for maintaining democratic standards in an era of denationalization. The democratic principle—those who will be affected by a political decision should have an equal opportunity to take part in the making of that decision—presupposes that the political space (in which the decisions are made) and the social space (to which these decisions apply) are congruent (Scharpf 1993; Wolf 2000). Under conditions of globalization or denationalization (Zürn 2000) political and social interdependence have vastly increased among nation states and their respective societies and from this there resulted a growing incongruence between political and social spaces. With the increase in cross-border transactions, regulatory problems as well as their solutions have increasingly become transnationalized while political authority remained confined to nation states. International institutions, then, help to re-establish congruence by tackling social problems on those levels where they emerge.

However, this generates the need to extend democratic control to the international level now. The more the reach of international institutions crosses national borders, i.e. the more they affect ordinary citizens' life, the more virulent the questions of legitimacy become. Thus international institutions create problems of democratic legitimacy inasmuch as they help to solve them. One may argue that these problems do not become manifest as long as national governments are controlled by national parliaments and national governments retain veto rights in international cooperation. In this case, international agreements would remain connected to national representative democratic institutions, thereby safeguarding the congruence principle. But there are good reasons to argue that this solution does not work in practice. To create intergovernmental legitimacy this way, international governance would have to possess several important characteristics. Its procedures and decision-making processes would have to be sufficiently public and transparent so that both national parliaments and

publics at large can receive information about the alternatives of policy-making. Moreover governance institutions would need to offer the opportunity for all those affected by a decision to participate in decision-making and, finally, these institutions would need to establish accountability to ensure that constituencies can attribute responsibility. Yet, as has been frequently noted, actual international governance arrangements violate almost all of these criteria. Decisions are usually made behind closed doors, within exclusive settings which are hardly accessible to publics at large. To make things worse, national governments appear to forge international governance institutions precisely because they attempt to insulate themselves from their national legislatures and from societal demands. They exploit the tendency of intergovernmental governance to shift the power balance between executives and legislatures towards the former (Moravcsik 1994, Wolf 1999). Furthermore, as regards the EU, legitimation via national parliaments is also insufficient because European topics are mostly irrelevant to national elections.

Therefore, even when the desirability of parliamentary control of security policy is accepted, it may prove highly difficult to institutionalize it in a European setting. Even in a purely intergovernmental setting mere reliance on national control procedures will not suffice. Fortunately parliamentary institutions do not only exist at the national level within the European Union. Instead there is a complex multilevel parliamentary field in which parliaments on the national and supranational levels take over different responsibilities and interact in various ways. The solution for the problem of democratic and parliamentary control then may be found within this parliamentary field.

In the remainder of this chapter we will map this parliamentary field and assess its contribution to the democratic control of European security policy. In what follows, we will equip ourselves with a more elaborate conception of the multilevel parliamentary field and then utilize it to sketch and discuss the main aspects of this field in European security policy.

3 Multilevel parliamentary fields

John Erik Fossum and Ben Crum (2008) have developed the notion of the parliamentary field to capture the interplay of parliamentary institutions on and across different levels in the European Union. Their concept is based on Paul Di Maggio and Walter Powell's

notion of an "organizational field" which denotes "those organizations that, in the aggregate, constitute a recognized area of institutional life" (DiMaggio/Powell 1983: 148), displaying both connectedness and structural equivalence (ibid.; Fossum/Crum 2008: 8). A "multilevel parliamentary organizational field" thus denotes a field in which parliaments are in some way interconnected in a specific area on and across different levels of political organization. The advantage of this notion is that it does not focus exclusively on separate channels of parliamentary control but directs research towards the totality of relevant parliamentary actors and also includes their interaction across different levels.

A multilevel parliamentary field can be institutionalized in a variety of ways. For the European Union Fossum and Crum (2008: 12-23) distinguish three ideal-type institutional layouts each of which is connected to a particular conception of the EU as a polity. If the EU is conceived as a functional regime, parliamentary control can best be achieved by a parliamentary field in which accountability has its prime locus at the level of national parliaments and where the European level serves to complement national arrangements and fulfils what they term a 'deliberative audit function'. In this view the European Union is simply a collaborative arrangement that has been created by member states to help them solve collective action problems. Member states delegate competences to the European level, but decision-making remains in the hands of member states (intergovernmentalism) and consequently democratic legitimacy remains derived from legitimizing mechanisms at the national level. The problems of achieving democratic legitimacy in intergovernmental settings through national parliaments, which we noted above, are tackled through complementary arrangements at the European level. The European Parliament (EP), in this view, would not play a representative role in its own right since the sovereign remains located at the member state level. Rather the EP would "through standing committees and special enquiries, through debates and hearings, and so forth shed light on the nooks and crannies of the EU system, and as such also aid the national parliaments in their efforts to hold their executives accountable when they operate at the EU level." (Fossum/Crum 2008: 13) The EP would thus serve a deliberative audit function, further enabling the national parliaments to hold executives to account.

If instead the EU is conceived as a federal state in the making the ideal-type parliamentary field would be organized in functionally specific domains. Both member state parliaments and the EP would serve the same functions (deliberation and decision-

making), yet in different policy areas. Where policies are made primarily through intergovernmental decision-making, as is by and large the case in the EU's security policy, the structure would resemble that of the functional regime type just described with national parliaments playing the dominant role. In areas, however, where there is supranational European policy-making parliamentary control would have to involve a strong EP.

Both ideal-types discussed so far are intimately related to the idea of the nation-state. Parliamentary control is perceived primarily in terms of state boundaries with parliamentary power concentrated where executive state power is concentrated too, either at the level of member states or at the level of a federal European state. Legitimacy is arrived at by holding executives to account and by enabling those who are affected by a decision to participate or be represented in decision-making. Lately a third position in the debate about democratic legitimacy has received increasing attention which argues that conceptions of legitimacy beyond the nation-state would be more attuned to the character of the European Union. These conceptions come in a various shapes. Some scholars develop post-democratic legitimation strategies (implicitly Beck/Grande 2004; Moravcsik 2004; Neyer 2008; Buchstein/Jörke 2003), whereas the majority retains the idea of democratic legitimation but argues for a mixture of different sources of legitimation for the EU pointing to the EU's multilevel character. While we cannot discuss all different approaches that follow such a strategy here, we briefly describe one prominent feature that many of them share, i.e. the idea of deliberative democracy (see Schmalz-Bruns 2001).

Arguments about deliberative democracy have mushroomed in IR research during the last years. They dealt with arguing and persuasion in diplomatic negotiations (Müller 2004; Deitelhoff/Müller 2005; Risse/Ulbert 2005), with CFSP (Sjursen 2006), and also with the areas of supranational decision-making in the EU (see Joerges/Neyer 1997; Neyer 2003; Schmalz-Bruns 1999; 2002; Eriksen 2006). Deliberative democracy is seen as a particularly promising concept for democratizing the EU as it does not presuppose substantial social prerequisites like rich collective identities but rather holds the promise of producing those elements of community it relies on.

Deliberative democracy is an attempt to integrate input and output legitimacy into one model by aligning participation in decision-making with rationalization of decisions to ensure individual autonomy (Cohen/Sabel 1997; Habermas 1996, 2007; Niesen 2008). Legitimate decisions are seen as a result of public discourses in which

those affected by the decision aim at arriving at a reasoned, i.e. rational consensus. Specifically, deliberation is expected to transform citizens' preferences to enable more rational outcomes. While this presupposes that actors share some normative background, it does not require that they feel bound by a community in a strong sense. Furthermore, participation, as some argue, need not lead to complete inclusion (*Vollinklusion*) but rather to an inclusion of the relevant position and arguments, thereby relaxing the daunting aspect of representation in international contexts. Hence, it is not surprising that deliberative democracy has attracted attention in debates about democracy beyond the nation state. However, a closer look at empirical studies of deliberative procedures in such settings reveals that deliberation often does not go easily together with democratic procedures (for an excellent overview Niesen 2008). Overall, studies observe the highest likelihood for deliberation in exclusive in camera settings which are dominated by technocratic issues and experts, the EU-comitology studies of Joerges and Neyer (1997) being a case in point (but see also Checkel 2001; Deitelhoff/Müller 2005; Risse/Ulbert 2005; Nanz/Steffek 2004). These features obviously violate central democratic principles such as transparency, accountability or publicity. Such studies even highlight the *necessity* of exclusivity and in camera settings to arrive at agreements. Under such a perspective, however, deliberative politics do not lead to any kind of democratization of politics beyond the state in general and of the EU in particular but only to a rationalization of politics or as some claim to an expertocracy (see Maus 2002, 2007; Brunkhorst 2002, 2007; Schmalz-Bruns 1999). Strategies to solve this problem of insufficient participation or representation are in abundant supply and most of them highlight either the inclusion of civil society actors or, more broadly, the situating of deliberative fora within some forms of transnational publics (e.g. Bohman 2005). However, this is not sufficient to help democratize politics as many studies have demonstrated that civil society organizations can neither represent a global *demos* (Nanz/Steffek 2005) nor are themselves democratically legitimized by anyone (Schmidt/Take 1997; Wolf 2000). Rather to be democratic deliberative procedures need to combine weak (civil society/general public) and strong publics (e.g. parliaments) (Fraser 1992; Brunkhorst 2002). They depend on public law and representative institutions to ensure equal access to deliberative procedures and influence in such procedures (Habermas 2005: 385).

Parliaments thus play a crucial role in conceptions of deliberative democracy. A parliamentary field reflecting the idea of deliberative democracy would require

interaction among parliaments across different levels. In contrast to the preceding models, any parliament would “no longer be the main institutional manifestation of a given, sovereign, democratic *demos*, but [...] rather one among a chain of strong publics who *together* seek to accommodate the interests and concerns of multitude of interdependent *demoi*” (Fossum/Crum 2008: 21, emphases in original). Relations on the different levels and across these levels would thus be institutionalized, in contrast to the preceding models where the different levels possess more or less clearly delineated spheres of competence. The European Union would then be neither a functional regime nor a federal state in the making. Rather it could be perceived as part of a larger deliberative cosmopolitan order.

4 The parliamentary field of European security policy

Based on the preceding reflection we can now examine the parliamentary field which we encounter in the sphere of European security policy. While the other contributions in this volume look at the individual aspects of the field in greater detail we confine our discussion to the key characteristics of the field. We look first at the member state and supranational level in turn and then at transnational arrangements and discuss how parliamentary involvement is organized at each level. In the following section we will then relate the results to the ideal-types presented above.

The national level: member state parliaments and European security policy

Probably the most characteristic feature of parliamentary involvement at the member state level is that there is no standard way in which member state parliaments are engaged in European security affairs and no guarantee that national parliaments are involved at all. As Suzanana Anghel, Hans Born, Alex Dowling and Teodora Fuior point out in their contribution (chapter 3), there exist a wide variety of arrangements for the national control of European security policy, ranging from co-decision powers over troop deployments to a complete lack of parliamentary involvement (see also Born/Urscheler 2004; Wagner 2006; Dieterich/Marschall/Hummel 2008)

If we take national parliaments' participation in decisions about the national contributions to ESDP missions as an indicator, we can distinguish at least four typical practices which represent the wide spectrum of member state arrangements for

parliamentary involvement. At one end of the spectrum there are states in which parliament appears to play no role whatsoever in the policy-making process on ESDP missions (Bulgaria, Greece and Romania). A somewhat more prominent role is granted to parliaments which debate potential or actual ESDP missions, even if government is not formally bound by parliamentary decisions (Belgium, France, Poland, Portugal and the UK). Then there are states in which parliament can make binding decisions on national contributions to ESDP missions, namely Austria, Germany, Cyprus, Czech Republic, Estonia, Ireland, the Netherlands and Spain. Here parliament cannot only debate ESDP missions and national contributions but actually veto the deployment of national troops. Only in three member states, Finland, Luxembourg and Sweden, parliaments are involved at an even earlier stage of the decision-making process. Parliaments in these countries can commit their government to a particular position already during the negotiations on a potential ESDP mission in the Council, i.e. before an ESDP mission is put in place at the European level. Thus only in some member states can parliaments function as a direct check on national executive power.

But even where there is a parliamentary veto power over certain decisions as national troop deployments, the effectiveness of the national channel of parliamentary control is hampered by several factors. As mentioned earlier, it suffers in particular from a mechanism that has been pointed out by Andrew Moravcsik (1994) and Klaus Dieter Wolf (1999). International cooperation has a tendency to tilt the balance between executive and parliament towards the former. Once an international agreement has been reached it "may be costly, sometimes prohibitively so, for national parliaments, publics or officials to reject, amend or block ratification of and compliance with decisions reached by national executives in international fora" (Moravcsik 1994: 11). This weakens the position even of those parliaments that possess a veto power over troop deployments because a negative parliamentary vote after government has, in principle, signaled agreement at the international level would entail high reputational costs for the state and weaken its position in future negotiations.

In the military realm, this general effect is further exacerbated in several ways. First, EU military deployments are almost always part of arrangements in which other actors besides the EU and its member states play a crucial role. Even foreign ministers in the EU Council can no longer amend agreements previously reached between the conflicting parties or within the UN Security Council which form the basis of an ESDP mission. Second, integrated military units have become a crucial feature of European

security policy. Even though decisions about the deployment of these units are still made on an intergovernmental basis, military integration raises the costs for both national governments and national parliaments to refrain from participation in an operation on which other members largely agree. States may still decide not to participate or they may qualify their contribution in order to bring it in line with domestic preferences. But these options can be used only in a very restricted way due to the integrated nature of the units to be deployed. The EU's battlegroup concept (Lindstrom 2007), for example, implies that in the event of a decision to launch a military mission, the battlegroup currently on stand-by has to be sent abroad lest the EU refrains from intervening at all. If forces have been integrated, any state's decision against its participation in a mission de facto frustrates the entire deployment because other states' forces cannot work effectively without the missing state's contribution. As a consequence, states whose forces have been integrated on an international level may come under heavy peer pressure from those states that advocate the use of joint forces. The same effect results from any elaborate scheme of role specialization. If capabilities are no longer held by all member states but by only a few or even a single one, the menu of choice for the member state concerned has been severely transformed. Instead of deciding about its country's participation in a particular military mission, it de facto bears the burden of deciding about whether the EU may become involved at all since no other member state could replace the capability under consideration.

Other factors that complicate national parliamentary control of European security policies can be added. National parliaments seldom have direct access to information on European operations from the European level. National governments may act as gatekeepers, which in turn makes effective control of European decisions through national parliaments more difficult. Moreover national parliaments do not receive information on the role that their governments played in the making of European decisions, which impinges on their ability to hold governments accountable (Gourlay 2004: 185, 194). Finally, the still modest but growing cross-pillarization in foreign and security policy (Stetter 2004) also poses a problem for national control of European security policies because it gives increasing weight to other European actors besides member state governments, who are not accountable to national parliaments.

Taken together, then, there is no uniform involvement of member state parliaments in European security policy. Some parliaments do not even debate central aspects of European security policy. Moreover, the effectiveness of co-decision powers,

which some member state parliaments do possess, is limited due to some features of international security cooperation which pose serious obstacles to effective national parliamentary control.

The supranational level: European Parliament

How is this rather varied national foundation of the parliamentary field complemented at the level of supranational parliamentarism? Although no longer the sole directly elected parliament beyond the nation state,⁷ the European Parliament remains the prime embodiment of supranational parliamentarianism.⁸ Especially since its first direct elections in 1979, it has been remarkably successful in extending its competences (Rittberger 2005). However, the realm of foreign, security and defense policy has remained exempt from this general appreciation.⁹ Esther Barbé and Anna Herranz Surrals demonstrate in their contribution (chapter 4) how MEPs consistently attempted to extend their power over issues of European security policy and how their success has remained fairly limited. The EP is, by and large, confined to a deliberating role and even its consultative powers have remained below the level desired by MEPs.

The EP's most important rights on foreign and security policy under the TEU concern information/consultation and the budget. According to article 21 TEU-N, the Presidency "shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration." Even though ESDP is not mentioned explicitly, it has been included (Gourlay 2004: 188f.). However, the EP is not entirely satisfied with the implementation of this provision. On the one hand, it appreciates the regular visits of key decision-makers in its Foreign Affairs Committee.¹⁰ On the other hand, the EP claims that

⁷ Since 1991, the deputies of the Parlamento Centroamericano (ParlCen) are elected directly in its member states El Salvador, Guatemala, Honduras, Nicaragua, Panama and the Dominican Republic (see www.parlacen.org.gt/index.html).

⁸ For an overview of the European Parliament see Jacobs/Corbett/Shackleton (2005).

⁹ For an overview of the European Parliament in foreign, security and defense politics see Diedrichs (2004), Brok/Gresch (2004), Thym (2006).

¹⁰ During its fifth parliamentary term (1999-2004), the Foreign Affairs Committee discussed developments in CFSP/ESDP with the EU's High Representative Solana (who attended ten committee meetings), various foreign ministers of the member states, special EU representatives to specific regions or countries, members of the EU military staff and the Secretary General of NATO (see the committee's activity report for the 5th legislature (1999-2004) (PE.341.376).

"the Council's practice of merely informing Parliament and submitting a descriptive list of CFSP activities carried out in the previous year, instead of really consulting Parliament at the beginning of each year on the main aspects and basic choices to be made for that year and subsequently reporting to Parliament whether – and, if so, how – Parliament's contribution has been taken into account, constitutes a de facto infringement of the very substance of Article 21"¹¹

In a similar vein, the EP has struggled to get hold of classified foreign and security policy documents. In 2002, Council and Parliament reached an Inter-Institutional Agreement according to which the Parliament's President, the Foreign Affairs Committee's chair and four further deputies may inspect classified documents. However, the Council has reserved itself a right to deny access if it deems this appropriate.

The EP's budgetary powers are equally limited. Initially, the member states set up a special regime to exempt CFSP expenditure from the Community budget. An Inter-Institutional Agreement reached in 1999 and updated in 2006¹² brought the financing of CFSP closer to the community budget again. According to the IIA, Council, Commission and Parliament have to reach agreement on both the overall amount of the operating expenditure and on its distribution between various articles of the CFSP budget chapter such as "on-proliferation and disarmament", "emergency measures" or "European Union Special Representatives" (Diedrichs 2004; Kietz/Maurer/Völkl 2005). If the CFSP budget turns out to be insufficient, no additional funds can be appropriated without Parliament's consent. However, to ensure flexibility, the Commission may transfer appropriations autonomously between articles within the CFSP budget chapter. As a consequence, Parliament is sidelined on approving budgets for individual common actions (Schmalz 1998: 36). Moreover, in case no consensus on additional Community funds can be reached, the Council may unanimously opt for financing certain actions outside the Community budget. Finally, Parliament has no influence over expenditure

¹¹ European Parliament 2007, Report on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP, including the financial implications for the general budget of the European Communities (point H, paragraph 40, of the Interinstitutional Agreement of 6 May 1999) - 2005.

¹² Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure (1999/C 172/01) and Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (2006/C 139/01). The IIA of 2006 that entered into force in January 2007 replacing its predecessor formalizes the consultation procedure between Council and Parliament. Thus, the Council is obliged to transmit a forward-looking document by June 15th. Moreover, if Council decisions have financial implications, Parliament must be informed within five days. Finally, the IIA provides for a minimum of five consultation meetings between Council and Parliament.

arising from military operations which are not charged to the Community budget but are covered by member states following a "costs lie where they fall"-principle ("Athena-mechanism"). From Parliament's perspective, military expenditure appears as a shadow budget which increases the Council's discretion in financial matters (Brok/Gresch 2004: 220).

Overall then we see that the supranational level in the parliamentary field has mainly the role of generating information and debating European security policy. Its direct involvement in the European decision-making process is highly restricted – even in the budgetary realm.¹³

Crossing the levels: inter-parliamentary cooperation

Between the national and the supranational levels an additional parliamentary layer has developed in European security affairs, the level of inter-parliamentary cooperation. This cooperation takes a variety of forms. There are on the one hand some fora, which have no firm organizational framework and bring together members of national parliaments and of the European parliament. Member state parliaments' committees of foreign and defence affairs, for example, are invited twice a year by the EP's Foreign Affairs Committee to discuss foreign and security affairs. Moreover, there is a Conference of Defence Committee Chairs, in which the EP is also represented.¹⁴ Secondly, inter-parliamentary cooperation also takes place in more formally organized and publicly visible fora, i.e. in transnational parliamentary assemblies. Transnational assemblies are "transnational, multilateral actors which are constituted by groups of members of national parliaments" (Marschall 2005: 22, our translation). Such transnational parliamentary assemblies may offer a unique contribution to the democratic control of international arrangements because they are not modeled after the national standard of parliamentary control. In contrast to supranational parliaments they do not come in the guise of future parliaments of future federal states. Rather they constitute attempts to

¹³ The Treaty of Lisbon would bring about only minor changes to the European Parliament's competences in security and defense policy. The revised article 21 explicitly mentions defense policy as a subject of parliamentary control and doubles the number of annual debates from one to two.

¹⁴ The revised version of the protocol on the role of national parliaments that is attached to the Lisbon Treaty for the first time mentions foreign, security and defence policy explicitly as a prime subject of cooperation between parliaments. For a detailed discussion of these forms of inter-parliamentary cooperation see the chapters by Barbé and Herranz and by Hilger in this volume.

respond to the international cooperation among executives through transnational cooperation among parliaments.

In the area of European security policy there exist two such assemblies: the NATO Parliamentary Assembly (NATO PA), which is composed of MPs from NATO's 26 member states and at whose meetings the EP also is represented; and the Assembly of Western European Union (WEU Assembly), to which not only WEU full members but overall 39 European countries can send parliamentarians (see the contributions of Stefan Marschall (chapter 5) and Michael Hilger (chapter 6) for a detailed discussion of these assemblies and their potential merits). Of these two, the WEU Assembly is certainly more directly concerned with issues of the EU's security policy. Like WEU, the WEU Assembly had almost been dissolved as a consequence of the emergence of ESDP. When ESDP was created, all elements of WEU which could be employed in international crisis management were transferred to the EU. Yet since EU member states could not agree on transferring the WEU Treaty's collective defense clause to the EU Treaty as well, WEU was not completely merged with the EU and some organizational remnants remained intact. Consequently, the WEU Assembly did not dissolve either. Since almost all operational tasks of WEU had been moved to the EU, the WEU Assembly sought to extend its sphere of competence to the EU's ESDP. To signify this adaptation, the Assembly added the designation "Interparliamentary European Security and Defence Assembly" to its name.

Art. IX of the Modified Brussels Treaty requires the WEU Council of Ministers to submit "an annual report on its activities and in particular concerning the control of armaments" to the Assembly. The Assembly can reject such a report by an absolute majority of its members.¹⁵ Such a rejection is the most powerful tool at the hands of the Assembly. Even though it has no legal consequences, the Council considers the public signal which would be sent out by such a rejection as highly undesirable, which gives the Assembly some leverage. Beyond debating and responding to the annual report, the Assembly is mainly concerned with drawing up reports on all aspects of European Security.

Transnational assemblies have several weaknesses, especially when compared to their supranational counterparts. First, their members "consider themselves primarily as representatives of home parliaments" and therefore view international politics "through the prism of national priorities, or those of their constituencies" (Šabič 2008: 266). Second,

¹⁵ Only once, in 1967, the WEU Assembly has actually rejected a report (Marschall 2005: 224).

and related to this first weakness, there is a high turnover of their members because the composition of an assembly usually changes after each national election, when the newly elected national parliament sends a new delegation. Whereas both the European Parliament and national parliaments retain (by and large) the same composition over a complete legislative period, the composition of transnational assemblies is subject to almost continuous change. In the case of the WEU, this problem is further exacerbated by the fact that national parliaments tend not to send their foreign and security experts to the assembly. Only half of the members of the German delegation, for instance, are members of either the foreign or defense or EU committee of the German parliament. Regular members of the *Bundestag*'s committees of foreign and defense policy constitute only a third of the German delegation. This is due to a stipulation in the Modified Brussels Treaty which states that the national delegations to the WEU Assembly are identical with those for the parliamentary assembly of the Council of Europe.

Another practical problem that has hampered the work of the WEU Assembly in recent years lies in its relations with the EP. Since the Assembly has attempted to claim responsibility for the parliamentary control of the newly created ESDP it is regarded as a competitor by the European Parliament. This makes cooperation between the two assemblies extremely difficult, whereas cooperation between the EP and the NATO PA apparently works much more smoothly as becomes visible e.g. in the much stronger attendance of MEPs at the sessions of the NATO Parliamentary Assembly.

These practical problems contribute to the rather unenthusiastic assessments that the WEU Assembly's work usually receives. Such assessments, however, often apply a problematic standard. They focus on how the Assembly as a collective actor can influence other collective actors, in particular the Council of Ministers. Such assessments result, for instance, in calls for stronger competences of the Assembly vis-à-vis the intergovernmental institutions (e.g. Habegger 2005: 230). The negative evaluations of their own work, which are reported from many members of the WEU Assembly (Jun/Kuper 1997: 153), indicate that members of the Assembly themselves tend to rely on this conception.

Yet there are also other ways of approaching the work of transnational parliamentary assemblies. Applying Anne Marie Slaughter's perspective (Slaughter 2004) such assemblies are not primarily collective actors but rather networks of actors and thus responses to the emergence of international executive networks. This would imply a different standard for assessing the contribution of these assemblies to reducing the

democratic deficit. They cannot only contribute to parliamentary control by acting as collective opponents of the Council; but also by offering resources to their members which improve their capability to restore national control over executive decisions. It is therefore important to look at the interplay of the different levels of parliamentary control of European security policy—which leads us back to the concept of the parliamentary field.

5 The parliamentary field in European security policy: an overall assessment

If we look at the different aspects of the parliamentary field combined, we see that it does not conform completely with any of the ideal-type models that can be derived from assumptions about the character of the European Union. This is hardly surprising since the EU's overall polity character in the security realm is not very clear-cut either (e.g. Sjursen 2007). What is important to note, however, is that the institutional structures of accountability as we can see them in the parliamentary field appear to be somewhat out of sync with the developments in the executive realm.

The parliamentary field in the security realm does, on the one hand, not conform with what we would expect for a purely intergovernmental policy area. To be sure, some national parliaments possess well-developed tools to hold their national executives to account over European policy or at least to prevent them from deploying troops for ESDP operations. However the foundation for democratic accountability over European security policy is incomplete at best as far as the national level is concerned. There are parliaments which simply do not possess the necessary competences to control their national executive. And some of those possessing the necessary competences do not make regular use of them. Moreover the peculiar character of international security cooperation makes it difficult for national parliaments to exert control in any case.

The national basis for parliamentary control of European security policy therefore needs to be supplemented. It is complemented by both a supranational parliamentary level and by collaboration among national parliaments and between national parliaments and the EP. The European Parliament has some powers to create publicity over security-related decisions at the European level. Its function in the security realm matches quite well what Fossum and Crum (2008: 13) termed the deliberative audit function of the supranational level. It can inquire into European security policies and shed light on the details of European policy-making. The information generated by the EP could in

principle increase the ability of national parliaments to hold their governments accountable. However, since national parliaments are so unevenly involved in European security affairs this will be at best partially successful, namely for those countries in which national parliaments possess sufficient control rights and actually make use of them.

Even if security cooperation in the EU could be considered merely a functional regime the institutionalization of parliamentary control would thus have to be considered problematic. However the EU's security policy has developed beyond the confines of a regime and is no longer a purely intergovernmental enterprise. Although decisions continue to be made by unanimity in the Council the creation of permanent Brussels-based decision-making bodies and a moderate process of cross-pillarization have reduced direct member-state influence. The mere reliance on national channels of democratic accountability would thus be insufficient anyhow (Sjursen 2007: 6-8). The parliamentary field, however, has not adjusted to the increasing significance of actors beyond member state governments in European security policy. The EP remains basically confined to its deliberative audit function. In contrast to the federal model of the parliamentary field, then, the distribution of executive competences between the European and the member state level does not directly correspond with the allocation of parliamentary competences.

The lack of fit between the parliamentary field in European security policy and the two ideal-types that are based on nation-state models (audit democracy, federal democracy) may indicate that both the European Union itself and the arrangements for parliamentary control of the executive in Europe have moved beyond categories of the nation-state. What supports this conjecture are the various institutions of interparliamentary cooperation which have developed in the security field and which conform well with the deliberative model of the parliamentary field. However, in its current state of institutionalization this is a cooperation that has both great potential and clear limitations. The potential lies in particular in the additional information that can be generated through interparliamentary cooperation. National parliamentarians can, through their participation in interparliamentary fora, receive information that they may otherwise not be able to attain from their governments. It may also raise awareness of European security policy issues in those parliaments which possess the authority to control the executive but make only limited use of it. Another potential benefit of the current forms of interparliamentary cooperation lies in the links it creates to states

outside the European Union. ESDP missions, for instance, are open for participation from non-EU members, but the inclusion of these countries in the political process operates only at the executive level, e.g. through the inclusion of government delegates in the Committee of Contributors for an ESDP mission. Affiliation to the WEU Assembly can provide a way for parliamentarians from non-EU members to become involved in debating and scrutinizing the relevant decisions at the European level.

However there are also some obvious limitations which result from the form in which interparliamentary cooperation is currently organized. It appears, for instance, that active participation in assembly sessions is not always a top priority of parliamentarians who tend to be overburdened already with their duties in their home parliament. This problem is further aggravated by the dysfunctional selection rule for the members of the WEU Assembly who are at the same time members of their national delegation to the Council of Europe's Parliamentary Assembly. Last but not least the turf battles that have developed between the EP and the WEU Assembly prevent fruitful cooperation on this level. This weakens the link between parliamentarians from member state parliaments and the EP, a link that is rather fragile in organizational terms anyhow.

Taken together, then, we see that the parliamentary field in European security policy has not developed in an ideal-type manner. Policy-making in the security realm has a strong intergovernmental basis, but the intergovernmentalism is increasingly weakened through the Brusselization and cross-pillarization of foreign and security policy. The parliamentary field matches this mixed character of policy-making only partially. While the role of the EP with its deliberative audit function appears fit for a purely intergovernmental realm, the field lacks the corresponding basis in strong member states parliaments due to the highly varied character of parliamentary involvement at the member state level. Inter-parliamentary cooperation could provide an important complement in such a situation, especially when the drift away from purely intergovernmental decision-making is taken into account. It is crucially weakened, however, by the practical problems of inter-parliamentary dialogue and the weak overall involvement of parliaments in the European decision-making process.

6 Conclusion

The map of the parliamentary field in European security policy to which the contributions for this volume combine demonstrates the complexities of establishing

democratic and parliamentary control in a dynamic multilevel polity and moreover in a policy field for which parliamentary involvement has not always been regarded desirable. What has developed during the past two decades or so is a field in which there is no clear-cut privileged channel of parliamentary involvement. National parliaments certainly are central since they are the only organizations in the field with decision-making power and with direct access to the national executives. Yet national parliaments' actual powers vary widely and even strong member state parliaments will face control problems stemming from the dynamics of international cooperation and military integration. The European Parliament and various forms of interparliamentary cooperation complement the work of member state parliaments. They provide opportunities for public scrutiny of European security policies, information-sharing and public debate. Working relations in the field, however, are not without frictions and the more executive decision-making departs from the purely intergovernmental model, the more problematic the existing arrangements for parliamentary involvement will become.

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