Parliaments and European Security Policy: Mapping the Parliamentary Field

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Abstract: The more important governmental cooperation and bureaucratic involvement become in ESDP, the more pressing becomes the issue of democratic control of executive cooperation. This article starts from the argument that parliamentary involvement in decision-making is of central importance for ensuring the democratic quality of European Security and Defence Policy (ESDP). It uses the notion of a multilevel parliamentary field to examine how parliaments at different levels are currently involved in ESDP. It turns out that during the past two decades or so no clear-cut privileged channel of parliamentary involvement has evolved in this field. Although national parliaments are of central importance due to the intergovernmental nature of decision-making, even they face severe problems in controlling executive decisions as their powers vary widely and both international cooperation among executive actors and military integration pose severe problems to control procedures at the

national level. The European Parliament and various forms of inter-parliamentary cooperation complement the work of member state parliaments. While they provide opportunities for public scrutiny of European security policies and for information sharing, working relations among parliaments in the field are not without frictions. The more executive decision-making departs from the purely intergovernmental model, the more problematic the existing arrangements for parliamentary involvement will become. There will be no easy remedy as adjustments in parliamentary control will require careful attention to the relations of the different elements in the parliamentary field.

Keywords: European Security and Defense Policy, multi-level governance, national parliaments, European Parliament, democracy, legitimacy, political representation, internationalisation, political science

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1. Introduction[1]

By assuming responsibility for military missions in conflict zones from the Balkans to the Congo, the European Union's (EU) impact on the lives of its citizens has acquired a new quality. Decisions on whether to put the lives of soldiers and civilians at risk are no longer made autonomously in national capitals but increasingly involve the Council, its Secretariat, the Political and Security Committee, the Military Committee, the Military Staff and the High Representative of the EU. This "Brusselisation" of decision-making on the use of armed force is not only an interesting object of study for anyone interested in the functioning of bureaucracies; it also raises important questions of democratic control. How can democratic legitimacy be guaranteed when the cooperation between executive actors becomes closer and closer? What is the role of parliaments in this respect?

To be sure, there is a venerable tradition in political theory that would argue that questions of democratic and parliamentary control do not apply to the realm of foreign and security policy and especially not to decisions with military implications. According to this position, different standards of democratic control pertain to domestic policies on the one hand and security policy on the other. As security policy is taken to require particularly rapid decision-making and, at times, a high degree of secrecy, it is regarded as the exclusive domain of the executive and thus lying outside the sphere of parliamentary control.[2] Yet the most recent works conclude that "there is no *principled* reason why foreign and security policy as such should not be subjected to the same type of democratic scrutiny as other policy areas" (Stie, this issue; see also Lord 2008). This applies particularly to a non-state polity such as the EU whose legitimacy is much more fragile than that of nation states and therefore can be heavily damaged by policy failures in the foreign and security realm. An unsuccessful military mission, possibly involving the death of European soldiers, under the responsibility of the Union would doubtlessly provoke a contentious debate about the desirability of recent advances in European integration. If no proper democratic legitimation of the mission had been ensured, this could well shake the legitimacy of the entire integration project as such. Given this significance of the EU's security policy for the democratic legitimacy of European integration at large, the lack of research into the democratic control of the EU's security policy is lamentable.[3] This article aims at redressing this deficit by analyzing one particular dimension of democratic legitimacy, namely parliamentary control, with a special focus on decisions on the use of force.

In doing so, however, we face a peculiar conceptual problem. Parliamentary control of European policies in general and also of European Security and Defence Policy (ESDP) is unique as there are different levels of parliamentary control that interact with each other. There is not merely one parliament faced with one executive; rather there are numerous parliamentary institutions at both the member state and the European levels. Moreover, there also exist transnational institutions, i.e. institutions linking member state parliaments with each other and member state parliaments with the European level. In order to derive 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 that is characterized by certain institutional features. As a yardstick against which to compare actual parliamentary fields, Fossum and Crum have developed three ideal-type fields[4] which could provide a basis for legitimizing European policies, depending on the EU's characteristics as a polity. These ideal-type fields correspond to conceptions of the EU as a functional regime, as a would-be federal state and as the regional component of a cosmopolitan order. Mapping the parliamentary field in ESDP and comparing its characteristics with these ideal-types will thus not only help us to develop a detailed overview of parliamentary control procedures. It will also provide us with a tool for

highlighting achievements and problems in the parliamentary control of European security policy.

In what follows we will first briefly elaborate on the argument concerning 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, and outline three ideal-types. 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.[5] 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, 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 e.g. Eberl and 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 policy changes as could be seen in the widespread protests surrounding the 2003 intervention in Iraq by a US-led coalition. Courts as well may 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. Moreover, as Christopher Lord (2008) has pointed out, it is only parliaments that, as representative institutions, are able to guarantee the principle of political equality in making or scrutinizing political decisions. And, finally, 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.

These arguments for the importance of parliamentary control hold not only for the security policy of states but also for the EU. The fact that the EU pursued the declared goal of promoting democracy through its external relations further adds to this as it raises expectations as to the standard of democratic control of its own policies, including its external relations (Bátora, this issue). But organizing democratic control of security policy within the EU 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. 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 thus 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 questions of legitimacy become. Tackling them purely on the basis of national control procedures will not suffice. This holds even when national governments retain their veto rights at the international level and are domestically accountable to parliament. To be sure, one may argue that in this case, international agreements would remain connected to national representative democratic institutions, and hence the congruence principle would be safeguarded. But there are good reasons to argue that this solution does not work well, as it has several important prerequisites which are not met in practice. International procedures and decision-making processes would have to be sufficiently public and transparent so that both national parliaments and publics at large could 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. 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 legislatives towards the former (Moravcsik 1994; Wolf 1999). Moreover, topics of international cooperation and European integration are mostly irrelevant to national elections, which further weakens the link between national parliaments and the democratic control of international or European cooperation.

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, within the EU parliamentary institutions do not only exist at the national level. 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 paper 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 EU. 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 and Powell 1983, 148), displaying both connectedness and structural equivalence (ibid.; Fossum and 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 EU, 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. Accordingly, the EU can be conceived either as a functional regime, as federal state in the making or as the regional component of a cosmopolitan order. Within a functional regime, the ideal-type parliamentary field would have its prime locus at the level of national parliaments whereas the European level would serve to complement national arrangements and fulfil what they term a 'deliberative audit function'. In this view the EU 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 their hands (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 because 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 and Crum 2008, 13). Thus the EP would further enable 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 EU. These conceptions come in various shapes. Some scholars develop post-democratic legitimation strategies (implicitly Beck and Grande 2004; Moravcsik 2004; Neyer 2010) that deny forms of democratic legitimacy for the EU and instead refer to concepts such as Justice (Neyer 2010). 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 and to the idea that the EU may be conceived as a regional component of a wider cosmopolitan order. 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; see also the contribution by Anne Elizabeth Stie to this special issue).

Arguments about deliberative democracy have mushroomed in International Relations research during the last years.[6] 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 and Sabel 1997; Habermas 1996 and 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. While this presupposes that actors share some normative background, it does not require that they feel bound by a community in a strong sense. However, a closer look at empirical studies of deliberative procedures reveals that deliberation often does not go easily together with democratic procedures (for an excellent overview Niesen 2008).[7] Strategies to solve the problem of insufficient participation or representation in deliberative processes 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. Many studies have demonstrated that civil society organizations can neither represent a global *demos* (Nanz and Steffek 2005) nor are themselves democratically legitimized by anyone (Schmidt and 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; Deitelhoff 2009). 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 beyond the nation state 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 a multitude of interdependent *demoi*" (Fossum and 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 EU 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. 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 and how the arrangements relate to the ideal-types presented above.

4.1 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 Suzana Anghel, Hans Born, Alex Dowling and Teodora Fuior (2008) have demonstrated, 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 and Urscheler 2004; Wagner 2006; Dieterich et al. 2008).

If we take national parliaments' participation in decisions about the national military 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 though 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, the 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. The end of the spectrum is marked by three member states (Finland, Luxembourg and Sweden), in which parliaments are involved at an even earlier stage of decision-making. 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. Overall only in some member states parliaments can 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 this does not ensure effective control. Rather, the effectiveness of the national

channel of parliamentary control is hampered by several factors. It suffers in particular from the tendency of international cooperation to tilt the balance between executive and parliament towards the former (Moravcsik 1994; Wolf 1999). 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, signalled 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 will become involved at all, because no other member state could replace the capability under consideration.

Other factors that complicate purely 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 gate-keepers, 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 and 194). Finally, other actors, beside

member state governments in the Council, increasingly gain influence on ESDP decision-making and on the implementation of these decisions. The process of "Brusselisation" already mentioned has the potential to constrain the control of member state governments especially in the early stages of the decision-making process. The Council Secretariat, for instance, which is neither directly nor indirectly responsible to national parliaments, assumes an increasingly important role in preparing ESDP decisions and missions (see the contribution by Juncos and Pomorsca to this issue). Moreover, the still modest but growing cross-pillarisation 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, who are not accountable to national parliaments. The increasing importance which is attached to the coherence of the EU's external policies has, for instance, given the Commission growing influence. It has been able to capitalize on the nexus between security and development, framed security as a first pillar issue and hence gained increasing leverage over the EU's peace-building efforts in Africa (Sicurelli 2008). Moreover, each time the Council delegates the implementation of its decisions to the European Commission (e.g. in the case of sanctions) or the European Defense Agency (in case of armament programs), the chain of accountability is further prolonged and thereby removed from 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.

4.2 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,[8] the European Parliament remains the prime embodiment of supranational parliamentarianism.[9] 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 defence policy has remained exempt from this general tendency.[10]

This holds even though the EP's committee system reflects a remarkable appreciation of foreign policy issues. MEPs have viewed the Committee on Foreign Affairs (AFET, after the French acronym 'affaires étrangères') as a high-status committee that consequently attracted rather ambitious and well-known politicians (Judge/Earnshaw 2008: 171). With currently 76 members it has been the largest of the EP's committees. Moreover, it is the only committee which has established two sub-committees (on human rights and on security and defense) to cope with a comprehensive agenda, ranging from enlargement to military missions. Notwithstanding such investments into the EP's capabilities to play a prominent role in foreign, security and defence policy, Esther Barbé and Anna Herranz Surrallés (2008)

demonstrate 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. Member states have taken care to restrict the EP's budgetary influence on CFSP expenditure 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 today certainly concern information and consultation. According to article 36 TEU[11], the High Representative

> "shall regularly consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and the common security and defence policy and inform it on how those policies evolve. He or she shall ensure that the views of the European Parliament are duly taken into consideration."

Even though ESDP had not been mentioned explicitly before the Treaty of Lisbon entered into effect, it had already been included in consultations before (Gourlay 2004, 188 f.). However, the EP never was 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.[12] On the other hand, the EP claims that

> "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".[13]

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 (IIA) 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. Most importantly, Parliament has no influence whatsoever over expenditure arising from military operations. These 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 and Gresch 2004, 220). But even for other CFSP expenditures the EP's powers are heavily constrained. Initially, member states set up a special regime to exempt CFSP expenditure from the Community budget. An IIA reached in 1999 and updated in 2006[14] brought the financing of CFSP closer to the Community budget. According to this 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 "non-proliferation and disarmament", "emergency measures" or "European Union Special Representatives" (Diedrichs 2004; Kietz et al. 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.

Overall, then, 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.

4.3 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.[15] 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 modelled 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 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 28 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 delegations.[16] Of these two, the WEU Assembly is certainly more directly concerned with issues of EU security policy. Like WEU, the WEU Assembly is about to be 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. However, the WEU was not dissolved immediately because the EU member states could not agree on transferring the WEU Treaty's collective defence clause to the EU Treaty as well. Consequently, the WEU Assembly continued its work as well. 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. However, the European Parliament has opposed proposals put forward by the WEU Assembly to assume a formal role in ESDP.[17] As a consequence, the WEU Assembly's efforts have remained unsuccessful; it is now scheduled to dissolve by 2011.

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. Today, these reports deal in detail with the past year's developments in ESDP. The Assembly can reject such a report by an absolute majority of its members.[18] 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, and related to this first weakness, there is a high turnover of their members because the composition of the 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 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 defence or EU committee of the German parliament. Regular members of the *Bundestag*'s committees of foreign and defence 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 which 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. These 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. National parliamentarians can, through their participation in interparliamentary fora, receive information that they may otherwise not be able to attain from their governments. Moreover, the assemblies can function as fora in which national MPs can exchange their views not only on European security issues but also on problems of national control. This will help to raise awareness not only of European security policy issues in parliaments across Europe; but also of specific problems of national parliamentary control procedures and may thus also contribute to improving control capabilities at the national level. These effects of interparliamentary cooperation will go unnoticed, however, if the value of interparliamentary assemblies is judged solely on the basis of their direct competences vis-à-vis the Council.

Yet another potential benefit of the current forms of interparliamentary cooperation lies in the links it creates to states outside the EU. 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. 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 to any of the ideal-type models that can be derived from assumptions

about the character of the EU. 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 as well as the contribution by Mérand/Hofmann/Trondelle to this issue). What is important to note, however, is that the institutional structures of accountability as we can currently 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 executives. 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 defective. 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, the rising importance of administrative actors and a moderate process of cross-pillarisation 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 executive 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 fact that the parliamentary field is difficult to capture in terms of both ideal-types that are based on nation-state models (audit democracy, federal democracy) suggests that the concept of the nation-state may not be the best way to capture the character of parliamentary control of the EU's security policy. What supports this conjecture are the various institutions of interparliamentary cooperation which have developed in the security field. They distinguish this parliamentary cooperation from what we would encounter within nation-states and, moreover, 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 MPs can gain information about both processes at the EU level and processes in other European states. These may be difficult to obtain otherwise and will improve the capacity of national parliamentarians for controlling their executives at home. Furthermore, inter-parliamentary cooperation in the WEU Assembly extends to non-EU members which may participate in ESDP operations but are not represented in the EP.

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 parliaments. 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 have prevented 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 there is no perfect match between the character of policy-making in the realm of European security policy and the parliamentary field. Policy-making has a strong intergovernmental basis, but intergovernmentalism is increasingly weakened, not least because of the processes analyzed in this special issue. Governments in the Council remain the final decision-makers, which would provide the basis for effective democratic control via national parliaments. But there are dynamics in the ESDP decision-making process that escape national democratic control procedures. This concerns not only the bargaining dynamics in the Council but also the influence of bureaucratic actors on ESDP decisions and implementation (see the contributions in Part I and II of this special issue). The parliamentary field matches this mixed character of policy-making only partially. For a purely intergovernmental realm, the EP's deliberative audit function would seem fit. But even then, the field would lack 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 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 as 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 as 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 role of bureaucratic actors and the general 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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Endnotes

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[2] Classics of this tradition include John Locke (1960 [1690], particularly §§ 145-148 of the Second Treatise) and Alexis de Tocqueville (1990 [1835/40], 234 f.).

[3] Important exceptions include Kantner and Liberatore (2006); Bono (2004); Hilger (2002); Hummel (2003); Koenig-Archibugi (2002).

[4] It should be noted that in a subsequent version of this paper, Fossum and Crum (2009) no longer develop three ideal types of the parliamentary field but reserve the term for inter-parliamentary cooperation on and across multiple levels of the European polity.

[5] See fn. 2.

[6] Arguments about deliberative democracy dealt with arguing and persuasion in diplomatic negotiations (Müller 2004; Deitelhoff and Müller 2005; Ulbert and Risse 2005), with CFSP (Sjursen 2006), and also with the areas of supranational decision-making in the EU (see Joerges and Neyer 1997; Neyer 2003; Schmalz-Bruns 1999, 2002; Eriksen 2006).

[7] 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 and Müller 2005; Ulbert and Risse 2005; Nanz and Steffek 2004). These features obviously violate central democratic principles such as transparency, accountability or publicity. 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).

[8] 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).

[9] For an overview of the European Parliament see Jacobs et al. (2005), Judge/Earnshaw (2008).

[10] For an overview of the European Parliament in foreign, security and defence politics see Diedrichs (2004); Brok and Gresch (2004); Thym (2006).

[11] The Treaty of Lisbon brought about only minor changes to the European Parliament's competences in security and defence policy. The former article 21 TEU did not explicitly mention defence policy as a subject of parliamentary control. Furthermore, the number of annual debates was doubled, from one to two.

[12] 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).

[13] 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 (PE.382.414).

[14] 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 15 June. 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.

[15] 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 Barbé and Herranz Surrallés (2008) and Hilger (2008).

[16] In addition to the 27 EU member states, five associated states (namely the NATO member states Albania, Croatia, Iceland, Norway and Turkey) and seven partner states (namely Bosnia and Herzegovina, Montenegro, the Russian Federation, Serbia, FYROM and Ukraine) send delegations to the Assembly and enjoy the right to speak and propose amendments in plenary sessions but no voting rights. The right of observers (currently Armenia, Azerbaijan, Georgia, the European Parliament, the NATO Parliamentary Assembly and the OSCE Parliamentary Assembly) to speak in the plenary is subject to the discretion of the President of the WEU-Assembly. For a detailed discussion of these assemblies see Marschall (2008) and Hilger (2008).

[17] The most notable proposal was submitted to the European Constitutional Convention that discussed the outline of a European Constitutional Treaty in 2002/2003. See „The role of national parliaments in the European Union and more specifically in the ESDP - a contribution from the Assembly to the Convention. Report submitted on behalf of the Political Committee by Mr Eyskens, Rapporteur (A/1778)", 4 June 2002.

[18] Only once, in 1967, the WEU Assembly has actually rejected a report (Marschall 2005, 224).