

Third Plenary meeting of FORNET

Brussels, April 22-23, 2005

**THE DEMOCRATIC ACCOUNTABILITY OF CFSP
AND THE ROLE OF THE EUROPEAN PARLIAMENT**

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1. The problem of the democratic accountability of CFSP

Foreign policy is the area on which the executives have been traditionally most reluctant to accept democratic accountability. Even the transfer of foreign policy responsibilities to a supra-national level has been seen as motivated, among other things, by the desire of national governments to reduce the level of control exercised by the national parliaments on controversial foreign policy decisions (Koenig Archibugi, 2002). As a matter of fact, the growing role of the EU in the foreign policy field – its “Brusselisation” as it has been called (Barbé, 2004) - has not been coupled by the establishment of effective instruments to ensure its accountability at the European level.

The distribution of executive competences in the external relations sphere between different institutional actors – the Council, the Commission and the national governments –, which also characterises other policy sectors of the EU system, represents an additional major obstacle to effective scrutiny and control. Another complicating factor is that the EU’s actions under the Common foreign and security policy (CFSP) often require the use of both national and European means and the

adoption of measures that also fall under the first pillar and increasingly under the third one.

The European Parliament (EP) can be seen as the most appropriate institutional instrument to promote the accountability of CFSP as it embodies the principle of representative democracy at the European level. In fact, the EP's role in CFSP has remained quite limited. Since the establishment of CFSP with the Maastricht Treaty, the powers of EP in the foreign policy realm have increased only marginally. It has the right to be kept regularly informed about the CFSP developments and plans and to formulate recommendations and proposals, but the Council is not obliged to take them into account. In practice, it has exercised this power mostly by discussing a Council annual report on the main CFSP issues and choices and by adopting a resolution on the basis of it as well as by holding regular meetings with the Union's most important institutional figures responsible for the conduct and implementation of the external relations policies. Increasingly, the EP has also been able to promote its own foreign policy priorities by making use of its budgetary powers and its assent power on international agreements with third countries.

There is still a widespread belief that the power to control foreign policy, and particularly its security and defence component, should rest, at least primarily, with national parliaments. This belief is deeply rooted in the political culture and tradition of several EU countries. The national governments has a clear interest in avoiding a shift of responsibilities from national parliaments to the EP since the latter not only is not linked with them by a bond of loyalty but has also the potential of performing scrutiny and control functions more effectively. Indeed, the national parliaments have greater formal powers of control on foreign policy activities than the EP but they often lack adequate instruments for the scrutiny of the actions undertaken at the European level. The EP, in turn, has fewer formal powers but can have – or develop over time – a greater competence and benefit, to some extent, from an easier access to the relevant information. The EP has repeatedly denounced this “double deficit”, as this unsatisfactory situation has been defined in a recent study (Gourlay and Larhant,

2004). In a resolution adopted in November 2000, the EP has underlined, with regard specifically to the European security and defence policy (ESDP), that “the national parliaments, which are responsible for adopting the defence budgets of the member states, are not yet able to obtain a global and coherent view of CESDP” (European Parliament, 2000). National parliaments have responsibility for such key decisions as arms procurement and the dispatch of national contingents, but it is the EP that votes on the CFSP budget and the civilian component of the Union missions. This divided responsibility is one of the main reasons of the inadequate parliamentary control on CFSP and especially ESDP.

Moreover, the individual national parliaments are able to exercise various degrees of control on the executives’ foreign policy action, depending on their different formal powers but also on the different national political cultures, as shown in a Fonet study which draws a comparison between the ways in which the British and the Italian parliaments scrutinised the first two EU-led peace-support operations – Concordia and Artemis (Bono, 2005). In addition, when member states have different levels of involvement in a given foreign policy action of the Union, their national parliaments are also likely to exercise different levels of control on it. This may happen, in particular, when the “framework nation” concept is applied for an ESDP action or when a diplomatic endeavour is delegated to a limited group of member states (as it is currently the case with the talks with Iran on its nuclear programme).

2. The practice of the EP’s involvement in foreign policy

Several Fonet studies have highlighted that, despite the structural shortcomings mentioned above, the EP has shown a growing activism in the foreign policy field since the establishment of CFSP in 1993 (Stavidris 2005, Herranz 2005). It has also developed, to some extent, an autonomous profile in its approach towards the foreign policy issues compared with that of the other Union institutions (Zanon 2005).

Obviously, the divergences between the governments on the foreign policy choices, which often reflect different national interests and sensitivities, also tend to manifest themselves in the EP. However, the practice shows that the EP has given a greater priority than the Council and the Commission to at least one central foreign policy objective of the Union: the promotion of democratisation processes and the respect of human rights around the world. Indeed, the human rights dimension of CFSP has been traditionally at the centre of the EP's foreign policy debates. In this sense, the EP has often played the role of the "democratic conscience" of the EU (Zanon, 2005). More generally, the EP has been an ardent advocate of a foreign policy course consistent with the European values and principles, denouncing, on many occasions, the risk that the EU can compromise its international credibility by embarking on double standard policies. By the same token, the EP has often urged the Council to apply a strict political conditionality in its relations with third countries, by establishing, among other things, a strong link between the deepening of the economic cooperation and respect of minimum political requirements. In particular, the EP has been an increasingly active promoter of the insertion of human rights clauses in the agreements with third countries.

By concentrating on human rights promotion – a relatively uncontroversial issue especially if taken in isolation – the EP has been able to achieve a certain degree of internal cohesion in addressing foreign policy issues, a key pre-requisite for an effective dialogue and interaction with the Council. The human rights dimension also draws a greater attention in the media and the European public opinion than other aspects of foreign policy. For the EP the choice to focus on that dimension is therefore also a way to make its activities more comprehensible and attractive for the media and the wider public.

However, the little consideration that the European parliamentarians tend to give to Realpolitik concerns may be seen as a sign of the unprofessional and improvised way in which they sometimes address CFSP issues. This reflects the quite limited responsibilities that the EP has in the foreign policy field: it can afford, more

than national parliaments, to advocate principled positions, disregarding interest-based arguments. In general, the fact that there is no majority in the EP linked with a bond of loyalty with the body responsible for the conduct of foreign policy, that is, the Council of ministers –as it happens in the relation between national parliaments and governments – favours the emergence of divergences between the two institutions. The practice also shows that the European parliamentarians are more likely to vote on foreign policy issues along party lines than along national ones, which is in tune with a more general trend towards a growing role of the political parties within the EP (Bardi 2004).

However, in some cases, the EP has shown a considerable degree of flexibility and a compromise attitude, adopting balanced positions even when sensitive or emotional issues were at stake. The EP's evolving stance on the Turkish membership provides a telling example (Soler 2005). The EP has repeatedly expressed deep reservations about the prospect of greater integration with Turkey, voicing its concern, in particular, about the human rights situation in the country (the Kurdish issue has been at the centre of several parliamentary debates). However, it has recognised the progress made by the Turkish government in meeting the European parameters. On the basis of that, in December 2004 it voted a report recommending the start of negotiations with Turkey which had some resonance and eventually facilitated the Council's final decision on the matter. The positions taken by the EP on the Taiwan issue offers another example of its search for an autonomous foreign policy line and, at the same time, of its reluctance to enter into open opposition with the Council (Zanon, 2005). This seems to indicate that reinforcing the EP's powers of control over the CFSP activities would not necessarily lead to growing and disrupting tensions with the Council. Arguably, the acquisition of greater formal responsibilities could be accompanied by a more careful consideration of the Realpolitik motives of the governments' choices.

Two Fernet studies have also underlined that the EP's recent activism in the CFSP field is part of a more general trend toward growing involvement of

parliaments in foreign policy issues (Herranz 2005; Stavidris 2005). In the case of the EP there has been a progressive expansion of such international parliamentary activities as the visits of parliamentarians to third countries or other parliamentary bodies, parliamentary participation in the monitoring of elections in third countries and the establishment of trans-national interparliamentary bodies (the EU-ACP Parliamentary Assembly, etc.). It can be argued that the proliferation of these activities, which would certainly require further analysis, challenges the realist thesis that foreign affairs are a matter only for executive bodies and that they leave, by definition, little room for democratic practices, including parliamentary control (Stavidris, 2005). However, it is an open question whether the new international parliamentary activities have a real value added, that is, whether they can be a significant factor in international politics. After a careful analysis of the role of the delegations of the European Parliament to the parliaments of third countries, an author concludes that they not only contribute to the Union's diplomacy, but also are a useful instrument for an indirect control of the activity of foreign policy-makers (Herranz, 2005).

3. The accountability of ESDP

The lack of parliamentary scrutiny and democratic accountability of ESDP has become an increasingly topical question as the implementation of the EU's defence plans have made constant, albeit incremental, progress. The EP has repeatedly lamented the fact that it is not involved in the formulation of ESDP and does not have the instruments to exercise control on it.

The major source of dispute is the control on the financing of ESDP. The EC budget, on which the EP has co-decision power, does not cover the financing of decisions with military and defence implications. Yet the EP has budgetary powers on the civilian components of ESDP actions, which are funded from the EC budget unless the Council decides otherwise. A central request of the EP is that all Petersberg tasks be funded from the EC budget. However, even the constitutional

treaty does not include any reform measures to that effect. The European parliamentarians have also been very critical of the Council's decision to set up a separate budget, not subject to the scrutiny of the EP or national parliaments, to finance the joint costs of the EU military operations.

The EP has constantly given its support to all major initiatives undertaken by the member countries to reinforce their collective capabilities in the ESDP field. This applies, in particular, to the establishment of an EU rapid reaction capability, the creation of the European armaments agency and the updating and expansion of the Petersberg tasks. At the same time, the EP resolutions concerning ESDP matters have placed a special emphasis on such aspects as reinforcing the EU's conflict prevention mechanisms and ensuring complementarity between the civilian and military components of crisis management. On the other hand there are crucial issues that have proved particularly controversial and divisive within the EP. One concerns the pre-conditions for the use for military force, notably whether the Union, in certain circumstances, can engage on forceful actions without the authorisation of the UN Security Council. Another is the question of how to develop the security and defence transatlantic partnership. The contrast between atlanticists and those who are in favour of a more autonomous European defence stance has a great relevance also within the EP, although there is a large consensus that the EU needs to enhance its defence dimension to become a credible security actor and to be treated as an equal partner by the US.

It is also worth mentioning that there has been a number of developments that can contribute to reinforcing the EP's capacity to discuss the ESDP developments, if not to influence them. In particular, the EP's foreign affairs committee (Afet), which is also responsible for ESDP, has become increasingly important for the collection of information about - and the discussion of - security and defence policies. The number of appearances before the committee of those responsible for the formulation and implementation of ESDP – that is, not only the president of the external relations council, the High Representative for CFSP and the commissioner for external

relations, but also the special representatives and the heads of the operations - has steadily increased. The defence ministers have also provided the EP with regular information since 2000. Moreover, in November 2002 the EP signed an agreement with the Council granting it access to sensitive information in the field of security and defence policy. As for the budgetary dimension, the EP has obtained the right to be better informed in advance on the financial aspects of the ESDP missions (this was the condition that it set in 2003 for approving the funds for the police mission in Macedonia). The conceptual documents recently elaborated on the future of ESDP - particularly the European Security Strategy - has also offered the EP a valuable basis for discussing security and defence issues that it previously lacked.

The new sub-committee on security and defence created in June 2004 within the Afet can also play a significant role in view of developing more regular links with both the other EU institutions and the national parliaments, although there can be doubts that a sub-committee without real powers can have a substantial impact. Finally, since 2001 it has become a normal practice for Afet to organise, twice a year, a joint meeting in Brussels with the chairpersons of the national foreign and defence committees to discuss CFSP and ESDP problems with the top EU figures responsible for those sectors.

Even taken together, these developments clearly fall short of creating a framework in which the EP can play a substantially greater role in the ESDP field. However they indicate at least that, in the current legal framework, the EP can expand its room for action by exerting a constant pressure on the other EU institutions or through such instruments as the inter-institutional agreements.

4. The Constitutional Treaty

The Constitutional Treaty contains a number of provisions that strengthen the role of the EP. It expands its legislative powers – a substantially larger number of matters than today would be subject to the co-decision procedure – as well as its budgetary ones – the distinction between “compulsory” and “non-compulsory”

expenditures would be removed so that the EP would be granted full co-decision power on the whole annual budget of the Union. However, the EP's powers in CFSP would remain essentially limited to the right to be informed and consulted on the main developments and to co-decide on the financing on the activities not having defence and military implications.

However, a few new provisions contained in the treaty could enable the EP to acquire a greater capability to control CFSP decisions and their implementation.

First, as a member of the European Commission, the Union Foreign Minister, unlike the High Representative, would be politically responsible to the EP, which would keep the right to co-decide on the appointment of the Commission as well as that to censure it.

Second, and probably more important, the Foreign Minister would have the task, *inter alia*, to keep the EP regularly informed on the evolution of the CFSP. As a figure with a strong institutional profile – he or she would have a substantial power of initiative and chair the foreign affairs council – the Foreign Minister could become a more effective interlocutor for the EP than both the current High Representative and the Commissioner for External Relations and could potentially ensure that the EP's positions be taken in greater consideration by the Council. The new full-time president of the European Council, who would have external representation responsibilities at the highest level, is also likely to develop a more effective dialogue with the EP on CFSP issues than the current six-month rotating president.

Third, the protocol on “the role of national parliaments in the EU” envisages the organization of inter-parliamentary conferences between the EP and the national parliaments on specific topics, including CFSP and ESDP issues. This mechanism could contribute to a more extensive and regular sharing of views and information between the European and the national parliaments and hence reinforce the overall parliamentary control on CFSP and ESDP. Other provisions formally establish the right of the EP to discuss any ESDP issues, but this is already implemented in practice.

5. Concluding remarks

Even after the entry into force of the constitutional treaty, the mechanisms for parliamentary scrutiny and control of CFSP would remain rather weak. As a result, the gap between the increasing foreign policy responsibilities of the Union and the rather limited powers of both the EP and the national parliaments could further widen. The new institutional mechanisms envisaged by the Constitutional Treaty could offer, however, new opportunities for strengthening the EP's role in CFSP. In particular, the Union Foreign Minister and, to some extent, the full-time President of the European Council could provide unprecedented channels for greater involvement of the EP in the discussion of foreign policy choices.

Progress can be made even within the existing legal framework. There is a widespread perception that the way in which the Council prepares and presents its annual report on the CFSP activities should be improved, which would allow the EP to discuss it in a more effective way. As already happened, the EP can also make use of its budgetary powers to acquire an increasing access to relevant information. It has also been proposed that a benchmarking process be established through which the member states could set parameters for the democratic oversight - at the national level - of the deployment of troops for ESDP missions (Gavrilescu, 2004). Inter-parliamentary cooperation could also be intensified. The meetings between the EP and the national parliaments at various levels could become increasingly important for the promotion of a more integrated system of oversight of CFSP activities. A key role could be played in this regard by the newly established subcommittee on security and defence.

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