

# Inter-Parliamentary Cooperation: An Answer to the Double Democratic Deficit in the Area of CFSP and CSDP?

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**Abstract:** The status of democratic legitimacy in European foreign, security and defence policy has been a highly contested issue over the last few decades. Due to its largely intergovernmental nature, prominent scholars have even argued a double democratic deficit. With the Lisbon Treaty in force, inter-parliamentary cooperation has been constantly put forward as an answer to this deficit. Against this background, this article examines the Inter-Parliamentary Conference (IPC) on Common Foreign and Security Policy and on Common Security and Defence Policy (CFSP/CSDP) established in 2012. It concludes that the IPC is an important step forward in answering the double democratic deficit, but further changes need to be made.

**Keywords:** Inter-parliamentary cooperation, national parliaments, European Parliament, democratic legitimacy, CFSP/CSDP

**Stichwörter:** Interparlamentarische Kooperation, nationale Parlamente, Europäisches Parlament, demokratische Legitimation, GASP/GSVP

## 1. Introduction

Against the background of the Brexit vote, the rise of populism in Europe and the United States and in times of violent conflicts in Libya, Syria and the Ukraine, the question of the European Union's (EU) role in foreign, security and defence policy is once again back on the agenda.<sup>1</sup> In June 2016, Federica Mogherini, the High Representative of the Union for Foreign Affairs and Security Policy, presented her "Global Strategy" (EEAS 2016a) for the EU's Common Foreign and Security Policy (CFSP). Her strategy was warmly welcomed by the Council on 14 November 2016 and its implementation was approved "without delay" (Council 2016a: 14). Only two weeks later, on 30 November 2016, the European Commission (2016) put forward its "European Defence Action Plan" comprising a new European Defence Fund and other financial instruments for capability development among member states. Finally, on 6 December 2016, the Council of the EU and the North Atlantic Council simultaneously endorsed a common set of proposals for improved EU-NATO cooperation, which both organisations agreed on in July 2016 (Council 2016b). According to High Representative Mogherini, these three initiatives constitute "a comprehensive package to boost security of the Union and its citizens" (EEAS 2016b). Despite this ambitious target, current strategic thinking falls regrettably short in scope of improving democratic legitimacy of European foreign, security and defence policy. However, the question of democratic legitimacy lies at the heart of the European integration process. By treating the CFSP as a policy which only needs improved efficiency, the reform process runs the risk of missing a crucial feature. At least, in its recent resolution on the implementation of the CFSP, the European Parliament (2016: 14) has highlighted "the need for a strengthened role of national parliaments in the implementation of the Common Foreign and Security Policy, including through intensified cooperation between the European Parliament and national parliaments on matters of EU foreign and security policy".

The Global Strategy and its implementation provide an ideal opportunity to put the question of democratic legitimacy high on the political agenda (Bakker, Drent and Landman 2016: 2).

The Lisbon Treaty has already upgraded the position of both the European Parliament and national parliaments within the institutional system of the EU. At the same time, the Lisbon Treaty also aimed to improve inter-parliamentary cooperation. These treaty provisions convey the emergence of what Besselink (2007) has described as a "composite European constitution". According to this notion, parliaments, both at national and European level, are asked to contribute to the good functioning of the EU. As both levels become more and more intertwined, only a coordinated and cooperative control of the Euro-national decision-making can ensure democratic legitimacy. Thus, the national and European parliamentary dimensions are today incomplete, if standing alone, unless they are reconciled, mainly through inter-parliamentary cooperation (Fasone and Lupo 2016: 14).

Following this basic assumption, the present article argues that inter-parliamentary cooperation is an important step forward in improving democratic legitimacy within the EU, particularly in a policy area that is intergovernmental in character. To this end, the article is structured as follows. First, the notion of the double democratic deficit in CFSP is set out in section 2 below as a conceptual starting point for the analysis. Section 3 briefly introduces the origins of inter-parliamentary cooperation within the EU and its current status under the Lisbon Treaty. Section 4 then analyses the Inter-Parliamentary Conference (IPC) on Common Foreign and Security Policy and on Common Security and Defence Policy (CFSP/CSDP) established in 2012. This section outlines the scope and format of the IPC meetings that have been held so far. In addition, it examines the structure of participating delegations and discusses the possible emergence of a pan-European network of parliamentarians. The final section concludes by summarising the findings of the article and reflecting on their implications regarding the improvement of democratic legitimacy in CFSP/CSDP.

## 2. The Double Democratic Deficit

The CFSP, including its strong arm, the CSDP, is based on the intergovernmental method. Intergovernmentalism means that national executives take all relevant decisions. Usually, these decisions are made by unanimity or a broad consensus.

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This, by itself, is not a problem for democratic legitimacy. The central feature of all democratic polities in the EU is that the national government is accountable to the people via the parliament (Schwarz and Weissenbach 2016). However, critics have portrayed national parliaments as “losers” (Maurer and Wessels 2001) or “victims” (O’Brennan and Raunio 2007) of the European integration process. The erosion of parliamentary control over national executives has been coined as the “deparliamentarisation” thesis of Europeanisation research (Goetz 2006: 473-474). The decrease in national parliamentary control and the increase in executive powers has also been an essential feature of the “standard version” of the EU’s democratic deficit (Follesdal and Hix 2006: 534-535). Yet, recent studies have shown that national parliaments have learned to “fight back” (Raunio and Hix 2000; Auel and Höing 2014). However, studies of parliamentary control of CFSP indicate strong variation between national parliaments (Peters, Wagner and Deitelhoff 2008; Huff 2015; Raunio and Wagner 2017). This uneven oversight practice among national parliaments is creating the risk of the so called “double democratic deficit” (Born 2004; Born and Hänggi 2004, 2005a, b). The basic assumption of the double democratic deficit is, that “parliaments are the central locus of accountability for any governmental decision-making concerning the use of force, whether under purely national or international auspices” (Hänggi 2004: 11). It remains at least problematic to simply transfer theories on parliamentary democracy, developed in the context of nation states, to the European level (Böcker and Schwarz 2012). Indeed, the European Parliament hardly qualifies as a full-fledged parliament. While its formal and informal powers have increased over time in a way that has gradually “parliamentarised” the EU, its role in CFSP remained very limited. The European Parliament was only to be informed on CFSP issues by the rotating EU Presidency. Even after Lisbon, the European Parliament’s role in CFSP/CSDP remains rather limited, although it can now hold the High Representative indirectly accountable through its function as Vice-President of the European Commission. The result is a lack of parliamentary accountability in CFSP/CSDP at both the national and European level (Gourlay 2004). Against this background, practices of inter-parliamentary cooperation have been constantly highlighted as an answer to the double democratic deficit (Crum and Fossum 2013).

### 3. Inter-Parliamentary Cooperation

The role of inter-parliamentary cooperation in theory and practice is often overlooked (Fasone and Lupo 2016: 12). In fact, inter-parliamentary cooperation is not a completely new phenomenon in EU politics. It has progressively developed as a practice in the 1970s and 1980s and it has gathered increasing attention with the Maastricht Treaty in the 1990s (Hefftlar and Gattermann 2015: 95-103). However, it was the Lisbon Treaty, which for the first time brought about basic treaty provisions stating that national Parliaments “contribute actively to the good functioning of the Union” (Art. 12 TEU). In addition, the Lisbon Treaty also formally recognised “inter-parliamentary cooperation between national Parliaments and with the European Parliament, in accordance with the Protocol on the

role of national Parliaments in the European Union” (Art. 12 TEU; Protocol 1 TFEU). According to the Conference of Speakers of European Union Parliaments (2008: 3), the main objectives of inter-parliamentary cooperation in the EU are as follows:

- a) To promote the exchange of information and best practices between the national parliaments and the European Parliament with a view to reinforcing parliamentary control, influence and scrutiny at all levels.
- b) To ensure effective exercise of parliamentary competences in EU matters in particular in the area of monitoring the principles of subsidiarity and proportionality.
- c) To promote cooperation with parliaments from third countries.”

While many modes of informal inter-parliamentary cooperation exist, inter-parliamentary conferences stand for the most formalised mode of inter-parliamentary cooperation (Fromage 2016: 753). For almost 20 years, the Conference of Parliamentary Committees for Union Affairs of Parliaments of the EU (COSAC) has been the only inter-parliamentary conference at European level. It brings together the EU affairs committees of national parliaments, as well as Members of the European Parliament (MEP). In addition, since 1999, speakers of national EU parliaments and the European Parliament gathered in the Conference of Speakers of EU Parliaments. However, the two most recent inter-parliamentary conferences have been established in the aftermath of the Lisbon Treaty: the Inter-parliamentary Conference on Stability, Economic Coordination and Governance in the European Union (TSCG) and the Inter-Parliamentary Conference on CFSP/CSDP.

As a consequence, parliaments in the EU have become increasingly oriented towards each other through inter-parliamentary cooperation. From a rational choice perspective, inter-parliamentary cooperation provides national parliaments and the European Parliament with the opportunity to pool their resources and to acquire information independently of national governments or the Council. From a normative perspective, inter-parliamentary cooperation stimulates the transfer of best practices. It provides a learning structure for democratic reflection and contributes to a transnational public sphere (Hefftlar and Gattermann 2015: 95). According to this, the added democratic value of inter-parliamentary cooperation can be best studied from three different angles: output in terms of policy influence, parliamentary participation and the possible emergence of a pan-European network of parliamentarians. In the following section, these three angles serve as an analytical framework to explore the impact of the IPC on the democratic legitimacy of the EU in CFSP/CSDP.

### 4. The Inter-Parliamentary Conference on CFSP/CSDP

The Inter-Parliamentary Conference on CFSP/CSDP was actually created in order to fill the gap the dissolution of the Western European Union (WEU) left in 2011. The Assembly of the WEU, renamed to European Security and Defence

Assembly in 2008, acted as an inter-parliamentary forum for the democratic oversight of CSDP. Due to the specific nature of CSDP, the WEU member states agreed on “the enhancement of inter-parliamentary dialogue in this field including with candidates for EU accession and other interested states. Protocol 1 on the role of national parliaments in the European Union, annexed to the Lisbon Treaty, may provide a basis for it” (WEU 2010: 2). Indeed, the innovations of the Lisbon Treaty encouraged further inter-parliamentary dialogue and as a result, alongside the continuing dissatisfaction with the existing separate meetings of the Conference of Chairpersons of Foreign Affairs Committees (COFACC) and the Conference of Chairpersons of Defence Affairs Committees (CODACC), a process was set up for establishing the IPC on CFSP/CSDP (Butler 2015: 165-172).

#### 4.1 Output in terms of policy input

The literature identifies two main features of inter-parliamentary cooperation with regard to policy influence: the exchange of information and best practices and the coordination of common positions in relation to EU legislation (Heffler and Gattermann 2015: 104). According to its Rules of Procedure, the IPC “shall provide a framework for the exchange of information and best practices in the area of CFSP and CSDP, to enable national Parliaments and the European Parliament to be fully informed when carrying out their respective roles in this policy area” (Cyprus Presidency 2012: 2). In addition, two basic aims of the IPC are formulated in the Rules of Procedure: to debate matters of CFSP and CSDP and to adopt conclusions on matters related to CFSP and CSDP. However, the latter ones must be passed unanimously and do not bind national parliaments or the European Parliament or prejudice their positions. The lack of binding collective actions automatically delimits the role of the IPC to an advisory function. However, phrased in terms of its contribution to the democratic process, the exchange of information and best practices constitutes a valuable feature.

The potential for the exchange of information and best practices largely depends on the working structure. To make a significant contribution to the exchange of information and best practices, meetings must have participants that represent key actors in the related policy area, they must offer enough opportunities for its members to directly interact with their peers and external actors, and they must provide sufficient space for informal networking. The first meeting of the IPC took place from 9 to 10 September 2012 during the Cypriot EU Presidency. After the adoption of the Rules of Procedure, delegates listened to speeches from the High Representative, the EU’s Special Representative for the Southern Mediterranean region, the Cypriot Minister of Foreign Affairs and the Cypriot Minister of Defence (see Table 1). Discussions focused on the priorities of the Cypriot EU Presidency in the fields of foreign policy and defence and on current issues of foreign policy, like the Arab Spring.

The second IPC meeting was organised by the EU Presidency of Ireland and took place from 24 to 26 March 2013 in Dublin.

In comparison to the first IPC meeting, the number of speakers more than doubled. This was primarily due to the new conference structure, which was structured along two normal plenary sessions and two parallel thematic workshops. The approach of splitting delegates into different groups to run concurrently, before reporting back to the plenary, soon became a norm for the following IPC meetings. Indeed, such working groups allow for thorough, smaller and potentially more fulfilling discussions on matters important to the participating delegates (Butler 2015: 173). Accordingly, the approach to go forward with parallel workshops or break-out sessions was mentioned positively as a “useful tool for improving the effectiveness and quality of exchanges between delegates” in the IPC’s 2014 report on Best Practices (Senate 2014: 2).

Table 1. Speakers at IPC meetings, 2012-2016

	IPC meetings								
	9/12 CY	3/13 IE	9/13 LT	4/14 EL	11/14 IT	3/15 LV	9/15 LU	4/16 NL	9/16 SK
EU Presidency	2	2	2	3	3	3	2	3	1
High Representative	1	1	1	1	1	1	1		1
National parliamentarians		1	1	3	6	13	6	1	3
Members of the European Parliament		1	1	2	1	5	2	2	2
EU Special Representatives	1	1							
EEAS		2	2	3	2	3	3	4	3
EDA			1					1	
European Commission									1
External experts		1	2	2	6	13	1	4	3
Sum	4	9	10	14	19	38	15	15	14

Over time, the number of speakers increased steadily from meeting to meeting. At the sixth IPC meeting from 4 to 6 March 2015 in Riga, the number of speakers increased nearly tenfold, from 4 to 38. After this peak, the number settled back to a more consistent level. While some contributions come from national parliamentarians and MEP’s, the IPC also reaches out to external actors. These external speakers usually are the High Representative, speakers from the incumbent EU Presidency, the European External Action Service (EEAS) or the European Defence Agency (EDA). In addition, the IPC has tended to invite a certain number of experts from research, think tanks, non-governmental organisations and international organisations. Indeed, the involvement of external speakers is an essential precondition for parliamentary control and scrutiny. In a formal sense, giving speeches to the IPC makes their positions subject to genuine public debate and holds them accountable for their actions. In a more informal sense, their mere attendance represents a valuable source of information for the delegates (Peters 2016: 12). However, the decision to run the IPC meetings in parallel sessions does not come without implications. The cost was a less institutionalised structure, with weak foundational substructures for the proper exercise of parliamentary scrutiny, unanimity as a conference rule and the non-binding character of the adopted conclusions (Liszczyk 2013: 2; Butler 2015: 173-174).

### 4.2 Parliamentary participation

The idea of an inter-parliamentary cooperation strongly depends on the participation of parliamentarians (Kreiling 2013: 5). An overview of the parliamentary participation at the nine meetings held between 2012 and 2016 shows that the IPC receives a considerable amount of attention among parliamentarians. However, participation at the IPC meetings is quite uneven across member states, as can be seen in Figure 1. Each member state is allowed to send up to six delegates. While countries like Portugal, Italy, Sweden and the Netherlands usually send six delegates, other member states only send two or less (Estonia, Malta, Denmark and Finland). Finland is an extreme case, because it sent no delegates to more than half of the IPC meetings. All in all, there is a slight tendency to have a higher level of participation of member states with a bicameral system. Smaller member states are a little overrepresented among those that are more likely to send fewer delegates than the average. Member states that joined the EU in 2004 or later are also somewhat more likely to send fewer delegates than the average.

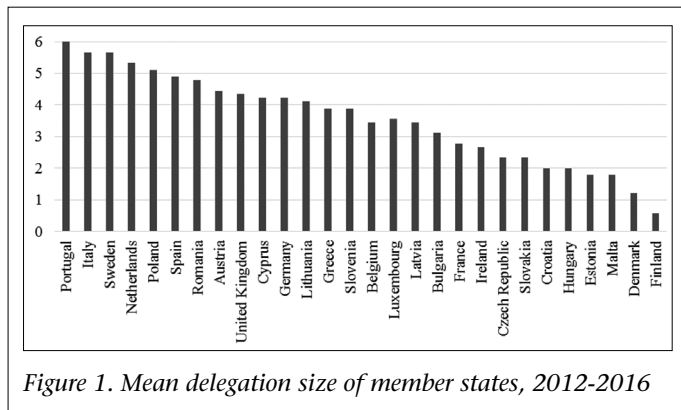


Figure 1. Mean delegation size of member states, 2012-2016

It is worth mentioning that, during the deliberations on the IPC's Rules of Procedure, differences arose on the size and composition of delegations. Some member states, including Denmark, Ireland, Portugal, Sweden and the United Kingdom, wanted the European Parliament's delegation to be equal to that of the national parliaments (Butler 2015: 169). However, the ultimately adopted solution was that the European Parliament shall be represented by 16 delegates. Compared to the member states' delegations, Table 2 shows that the European Parliament has a considerable high attendance rate. The average delegation size was almost 14. Measured in percentage, only five member states show higher results. Among all delegations, observers show the lowest attendance rates. According to the IPC's Rules of Procedure, observers represent national parliaments of the EU candidate states and of the non-EU but European member countries of NATO. Although each observer can be represented by a delegation of four delegates, most of them leave more of their seats open. Only Iceland, Montenegro and Norway show a mean delegation size above two. Some observers sometimes even choose not to send a single delegate at all. The absence of parliamentarians can be explained by increasing financial constraints on national parliaments, especially if IPC meetings take place in relatively distinct places. It has also to be taken into account that members and observers make their choices of participation on the basis of the subjects discussed at the IPC (Wouters and Raube 2016: 239-240).

Table 2. Delegation size by meeting and on average, 2012-2016

	IPC meetings									Mean delegation size
	9/12	3/13	9/13	4/14	11/14	3/15	9/15	4/16	9/16	
	CY	IE	LT	EL	IT	LV	LU	NL	SK	
Austria	2	4	5	5	6	5	5	5	3	4.44
Belgium	2	5	5	1	3	3	5	4	3	3.44
Bulgaria	6	0	3	2	0	4	3	5	5	3.11
Croatia	2	2	5	2	2	2	3	0	0	2.00
Cyprus	6	0	6	6	5	5	6	1	3	4.22
Czech Republic	2	2	1	2	4	3	2	3	2	2.33
Denmark	1	1	1	3	3	0	1	1	0	1.22
Estonia	2	2	2	2	1	1	2	2	2	1.78
Finland	0	2	2	0	0	1	0	0	0	0.56
France	4	2	2	2	5	3	3	3	1	2.78
Germany	6	6	2	5	4	5	4	3	3	4.22
Greece	6	6	4	5	6	0	2	3	3	3.89
Hungary	3	1	2	1	2	3	3	2	1	2.00
Ireland	2	8*	3	3	3	2	2	0	1	2.67
Italy	6	3	6	6	6	6	6	6	6	5.67
Latvia	3	1	2	4	1	6	3	5	6	3.44
Lithuania	4	6	6	3	3	4	4	4	3	4.11
Luxembourg	6	5	5	3	3	3	3	3	1	3.56
Malta	2	2	2	0	2	2	2	2	2	1.78
Netherlands	5	6	6	4	6	5	3	9*	4	5.33
Poland	5	5	6	5	5	4	5	6	5	5.11
Portugal	6	6	6	6	6	6	6	6	6	6.00
Romania	3	4	5	5	4	5	6	6	5	4.78
Slovakia	3	3	0	1	1	2	2	2	7*	2.33
Slovenia	4	5	4	0	4	5	5	5	3	3.89
Spain	5	6	5	5	5	5	3	6	4	4.89
Sweden	4	6	6	6	6	5	6	6	6	5.67
United Kingdom	6	6	1	4	4	4	5	5	4	4.33
European Parliament	14	15	15	8	15	16	11	15	13	13.56
Albania	0	0	0	0	1	1	0	1	0	0.33
Iceland	1	3	4	4	4	3	3	2	2	2.89
Kosovo	0	0	0	0	0	0	0	1	0	0.11
Macedonia	0	0	1	0	1	1	0	2	1	0.67
Montenegro	1	4	4	4	2	2	2	2	2	2.56
Norway	2	4	0	4	3	4	2	4	2	2.78
Serbia	4	4	3	0	2	2	0	1	0	1.78
Turkey	0	2	2	1	2	0	0	2	3	1.33

\* When hosting the IPC, Ireland, the Netherlands and Slovakia sent more than six delegates.

### 4.3 Emergence of a pan-European network of parliamentarians?

The findings on the general parliamentary participation lead on to the question whether the IPC promotes the emergence of a pan-European network of parliamentarians? While it is interesting to look at the size of the delegation, for that purpose it is more relevant to ask how often delegates actually return to the IPC meetings (Peters 2016: 15). At the 9th meeting of the IPC in Bratislava, 112 delegates were present. While more than one third of them took part in the IPC for the first time, nearly two thirds of them had been to at least one meeting before (see Table 3). Nearly every fourth delegate participated at the IPC for the second time, which represents the largest group of returning delegates. While almost one quarter of the delegates was present at more than half of the IPC meetings, there are only two who have not missed a single meeting from the very early beginning. Namely, these two delegates are MEP Elmar Brok from the European People's Party (EPP) and Marko Mihkelson, the Chair of the National Defence Committee of the Estonian Parliament. So, while there is some degree of turnover in the IPC participation among delegates, there is also a strong group of returning delegates so that newcomers can find themselves able to connect to an existing functioning network. Overall, the evolving practice of inter-parliamentary cooperation at the IPC provides room for "collecting mobile phone numbers" and personal networking (Hefftlar and Gattermann 2015: 110).

*Table 3. Participation rate of delegates at the 9th IPC meeting in Bratislava*

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
Number of delegates	41	27	10	7	7	7	5	6	2
Share in percentage	36.6%	24.1%	8.9%	6.3%	6.3%	6.3%	4.5%	5.4%	1.8%

Parliamentary participation might be quite uneven across member states and there might be signs of slightly declining interest in participation, especially among observers. However, the majority of member states and the European Parliament send a considerable number of delegates to each meeting. Thus, further research should account for the long-term effects of building personal networks among parliamentarians to determine whether there is a pan-European network emerging.

## 5. Conclusions

This article has analysed the IPC on CFSP/CSDP established in 2012. It first studied the scope and format of the IPC meetings that have been held so far. Next, it examined the structure of participating delegations and discussed the possible emergence of a pan-European network of parliamentarians. On the basis of the above, it can be concluded that the IPC is an important step forward in answering the double democratic deficit in the area of CFSP and CSDP. While in a formal sense the IPC's output in terms of policy influence is clearly limited, the primary benefit lies in the exchange of information and the generation of stable linkages between parliamentarians.

However, further changes need to be made to develop the IPC into an arena where both national and European parliamentarians collectively shape the EU's role in the world. Discussions in the full plenary setting with parliamentarians from currently 28 member states, the European Parliament, candidate states, non-EU NATO members and other invited actors tend to be rather general in nature. While the practice of smaller workshops and parallel sessions has made the exchange more focused, apart from its non-binding conclusions, the IPC meetings still lack tangible deliverables and a concrete follow-up (Bakker, Drent and Landman 2016: 7).

Various innovative formats are conceivable, such as joint working visits of parliamentarians from member states and the European Parliament to CSDP operations or joint reports on specific issues with concrete proposals and recommendations. An improved IPC would also need a stronger institutional set-up. However, institutional reforms require a political commitment both from the member states and the European Parliament. Yet, in practice, this commitment is still pending. At present, it is still unforeseeable whether and to what extent the United Kingdom's exit from the EU will pave the way for such a commitment, but it will at least weaken the group of countries that has been constantly opposing efforts for further integration in the area of CFSP/CSDP in the past.

Working more closely together on joint activities would also help to increase mutual trust. Although the entry into force of the Lisbon Treaty has significantly increased inter-parliamentary cooperation, it has also increased inter-parliamentary competition. National parliamentarians increasingly feel in rivalry with the EU institutions and the European Parliament in particular. From time to time and mainly from national parliamentarians, the idea of a European Senate is aired to compensate this "constitutional jealousy" (Council 2016c: 3-4). Composed of national parliamentarians only, this European Senate would increase the influence of national parliaments at the European level. However, the establishment of such a new EU institution seems to be highly unlikely. Another idea is to foster European inter-parliamentary cooperation, but under exclusion of the European Parliament. Such a system of inter-parliamentary cooperation, where discussions first would be held between members of national parliaments only and then later in plenary sessions with European parliamentarians, could shield national representatives from possible power struggles with the European Parliament. However, it would also cut national parliaments off from an important source of information and lead to an even greater antagonism between national and European parliamentarians (Granat 2016: 15-16). So, by and large, handling this ambiguous relationship within the IPC will be a key for improving democratic legitimacy in European foreign, security and defence policy.



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