

Seeking CSDP Accountability Through Interparliamentary Scrutiny

Jan Wouters and Kolja Raube

The EU's Common Security and Defence Policy (CSDP) requires parliamentary accountability. At present, as CSDP-related decisions are increasingly taken in the framework of the UN or the EU, neither the European Parliament (EP) nor national parliaments are able to hold decision-makers accountable. Interparliamentary cooperation can provide added value in bringing about parliamentary scrutiny of CSDP. Nevertheless, despite an official agreement, the EP and national parliaments have different views on what such interparliamentary cooperation entails. There are five conditions – cooperation and complementarity among parliaments, conferral dialogues, coordinated agendas, and comprehensive and comparative scrutiny – that have to be fulfilled to create added value for interparliamentary cooperation on CSDP matters.

Keywords: parliamentary scrutiny and control, Common Security and Defence Policy (CSDP), interparliamentary cooperation

This article is about parliamentary accountability and interparliamentary cooperation in the EU's Common Security and Defence Policy (CSDP). It is argued that democratic accountability of a multi-level and multi-layered CSDP cannot be achieved by individual parliaments or by the European Parliament (EP) alone and that for the EU to justify security and defence decisions beyond purely executive considerations, it is in need of proper parliamentary oversight, not only at European and national levels, but also in a well-functioning interparliamentary setting. This is an appropriate time to consider interparliamentary cooperation in CSDP: since the termination of the work of the Parliamentary Assembly of the Western European Union (WEU) in 2010, there has been no form of interparliamentary cooperation in place within the CSDP framework. A new forum which has recently been developed to succeed the WEU Parliamentary Assembly

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could become a complementary setting not only for parliamentary exchanges, but also for interparliamentary hearings and policy suggestions. However, the establishment of interparliamentary accountability mechanisms faces obstacles that have to do with the lack of a common understanding amongst parliamentarians of the term ‘parliamentary accountability’.

Parliamentary accountability: some conceptual clarifications

In essence, ‘parliamentary accountability’ constitutes one particular dimension of ‘democratic accountability’.¹ Parliaments, representing constituencies on the basis of democratic elections with universal and free suffrage, hold executives accountable for policy decisions and policy implementation. In holding executives accountable, parliaments can go as far as sanctioning them, that is by turning down their decisions. From their side, executives have to justify their decisions and policy implementation by providing parliaments with sufficient information to justify their actions. Overall, parliamentary accountability contributes to the ‘input legitimacy’ of policy decisions by guaranteeing parliament’s participation or even acceptance of certain matters; hence, it complements ‘output legitimacy’ which evolves through the effectiveness of problem-solving decisions.²

An important distinction must be made between ‘parliamentary control’ and ‘parliamentary scrutiny’.³ Parliamentary control “entails the power to sanction”.⁴ Hence, parliaments become decisive actors determining final policy outputs. Parliament’s prerogative to decide over the use of force in international relations can be seen as an example of parliamentary control. Formal legal arrangements need to be in place to carry out full parliamentary control. In order to lead to genuine democratic accountability, however, a “process of politicisation” is also needed, including the public’s attention for security and defence actions.⁵ Parliamentary scrutiny, on the other hand, is a less ambitious concept, which falls short of political sanctions but nevertheless entails the ability and willingness of parliaments to be informed and consulted and, by so doing, to oversee a policy field. To carry out such scrutiny, parliaments’ work needs to be based on either formal or informal arrangements. If such arrangements are not in place, parliaments might try to find access to scrutiny instruments through informal forms of ‘parliamentarisation’.⁶ In turn, parliaments can increase the transparency or ‘openness’⁷ of executive decision-making and bring the latter into the public eye. As a

¹ Curtin *et al.*, “Positioning Accountability”, 936–7.

² Scharpf, *Regieren in Europa*, 16 ff.

³ See also Caballero-Bourdout, *Parliamentary Scrutiny*, 13.

⁴ *Ibid.*

⁵ Curtin *et al.*, “Positioning Accountability”, 937.

⁶ Raube, “EEAS and European Parliament”, 67.

⁷ Curtin *et al.*, “Positioning Accountability”, 936.

consequence, an overall ‘parliamentary oversight’ of security and defence policies can follow from parliamentary scrutiny, even without having sanctioning mechanisms in place.⁸ Scrutiny, however, remains a form of incomplete parliamentarisation due to the limited tools for holding governments accountable.

Parliamentary control and parliamentary scrutiny are concepts that need not be tied to any particular level of policymaking, but they are a reality for security and defence policy in national parliamentary settings. On the European level, the EP’s powers are limited and even the latter’s aspiration to obtain powers for exercising parliamentary scrutiny are highly contested.

On another level, ‘interparliamentary cooperation’ entails cooperation between national parliaments and the EP in a setting that brings representatives of European and national constituencies together. While an interparliamentary setting can stimulate interinstitutional dialogue, the policy reports and recommendations it generates can very well be of a ‘transparliamentary’ nature. What is meant here is that parliaments scrutinize security and defence policies by taking each other’s perceptions into account, by mutually reinforcing each other through exchange of information and expertise, in short, by transcending their respective perspectives in order to reach a genuine European form of parliamentary accountability.

CSDP after Lisbon: legitimacy and the question of interparliamentary cooperation

The Lisbon Treaty introduced important changes aimed at achieving a more effective and coherent CSDP. In response to growing critique of the EU’s ineffectiveness and incoherence in its security and defence policies, especially in the field of crisis management,⁹ much effort was spent on making these intergovernmental policies work more smoothly, improving coordination amongst national governments and between the Commission and the Council, and providing for more coherent decisions and implementation. The new system was meant to increase the output legitimacy of CSDP, generating more effective EU policy decisions to pending external security problems. However, the focus on effectiveness and coherence overshadowed questions of input legitimacy and parliamentary accountability for CSDP decisions. The Lisbon Treaty has been “winning minds, not hearts”.¹⁰

Even after the Lisbon Treaty, the CSDP decision-making processes remain an ‘intergovernmental island’ within the EU. Member state governments decide unanimously on EU action in the Council in the context of civilian and military crisis management (Article 41(1) TEU and Article 41(4) TEU). Only a few passages in the Lisbon Treaty deal with the question of input legitimacy, accountability and

⁸ Caballero-Bourdout, *Parliamentary Scrutiny*, 13.

⁹ Duke, “Consistency, Coherence and EU Action”, 26, 28.

¹⁰ Dougan, “Winning Minds, not Hearts”, 702.

representation in CSDP decision-making. They suggest that CSDP remains inter-governmental with a limited scrutinizing role for the EP and, thus, accountability at EU level is mainly guaranteed through a kind of governmental peer review control mechanism in the Council: governments check and balance each other and hold on to veto power in the Council on CSDP matters (Article 42(4) TEU), while they remain by and large accountable to their national constituencies.

Thus, a critical reading of the Treaty suggests that CSDP remains largely out of parliamentary reach at the European level. Obviously, one should keep in mind that the Lisbon Treaty has extended the EP's powers considerably in the area of EU external relations in general, with extended control of the European External Action Service (EEAS) budget and the non-military parts of the CFSP/CSDP budget in particular.¹¹ Moreover, arrangements which allow the EP to scrutinize diplomatic personnel and to access sensitive documents are now in place, and, at least according to the EP, are to be extended.¹² The EP even has some powers to scrutinize the Council and the High Representative of the Union for Foreign Affairs and Security Policy (HR): it can ask questions and make recommendations, its opinions need to be taken into consideration and there has to be a periodical debate between the HR and the EP on matters of CFSP and CSDP (Article 36 TEU). However, the EP's possibilities of actually controlling the HR, let alone the Council, are extremely limited. Overall, the EP still lacks a genuine form of parliamentary control – for example, the power to vote on decisions leading to international EU crisis management interventions or to determine EU military expenditures. Even in terms of scrutiny, *ex ante* information on executive planning in CSDP is often beyond the Parliament's reach. In this regard, the Lisbon Treaty maintained CSDP as an intergovernmental area of policymaking *par excellence*, underlining in Declaration No. 14 that the Treaty provisions covering CFSP, including CSDP as an “integral” part thereof (Article 42(1) TEU), “do [not] increase the role of the European Parliament”.

Importantly, Article 10 of Protocol No. 1 to the Lisbon Treaty “on the role of national Parliaments in the European Union” sets the stage for interparliamentary cooperation in the field of CSDP. A “conference of Parliamentary Committees for Union Affairs” is tasked with promoting “the exchange of information and best practice between national parliaments and the EP, including their special committees” and opens room for interparliamentary cooperation in CFSP/CSDP. It may also organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy, but contributions from the conference shall not bind national parliaments and shall not prejudice their positions.

¹¹ Raube, “EEAS and European Parliament”, 67.

¹² *Ibid.*

The Lisbon Treaty is not very clear, however, on how such cooperation among parliaments can be established, and how far it should go in terms of holding EU decisions accountable. In sum, the Lisbon Treaty refrains from establishing a clear institutional understanding of interparliamentary cooperation in the field. The Treaty does not offer a solution for the right balance of input and output legitimacy, or what Wolfgang Wagner has termed the tension between effective international security coordination and democratic accountability.¹³

Challenges to parliamentary accountability and interparliamentary cooperation

Multi-level policymaking

The shortcomings of the Lisbon Treaty weigh even more heavily if one considers the challenge that a multi-level policy like CSDP poses to parliamentary accountability. Decisions in CSDP are taken at different policymaking levels, they are implemented in intergovernmental and transgovernmental settings and involve sensitive information and policy planning. In the ‘new world order’, one witnesses governmental networks which – in their search for answers to pressing global questions – interact, consult and decide.¹⁴ For CFSP/CSDP, it has been argued that national executives try to circumvent domestic controls and increase their autonomy by establishing foreign and security decision-making at the EU level.¹⁵ A side-effect of these developments is that parliaments often have insufficient access to the information in these networks. Parliaments increasingly find themselves in a situation in which they do not receive crucial information on policy preparation, decisions and implementation, or they receive it too late.¹⁶

In general, relations between international organisations and parliaments have never been ‘love at first sight’, not even in the EU.¹⁷ But in the intergovernmental decision-making and transgovernmental networks of CSDP,¹⁸ practice reveals that there is no love at second sight either. While national constitutional rules may allow for the engagement of parliaments in security and defence policy by granting them certain prerogatives in the case of sending military troops abroad,¹⁹ the exercise of parliamentary control or scrutiny is clearly undermined by the fact that crucial decisions are no longer taken in national capitals. This takes place in the UN or EU

¹³ Wagner, *Demokratische Kontrolle*, 187.

¹⁴ Slaughter, *A New World Order*, 61 ff.

¹⁵ Koenig-Archibugi, “Democratic Deficit”, 67.

¹⁶ This is a more general problem which applies to many areas of so-called ‘informal international lawmaking’: see Pauwelyn *et al.*, *Informal International Lawmaking*, and Pauwelyn *et al.*, *Case Studies*.

¹⁷ Stein, “International Integration and Democracy”, 490–1, 530.

¹⁸ Mérand *et al.*, *Transgovernmental Networks in European Security*, 15.

¹⁹ Wagner, “Democratic Control of Military Power Europe”, 204–5.

framework, typically on the basis of a mandate that legitimises international action. Hence, multi-level crisis management makes it difficult for parliaments to hold governments accountable. Even when parliaments have the power to endorse international and European crisis management decisions, the exercise of that power is locked into multilateral coordination and is generally *ex post*.²⁰

The multi-level setting also deals increasingly with multi-layered policy decisions. CSDP decisions can no longer be taken in a 'security world' only, but increasingly function as 'nexus decisions' linked to other EU external policies such as trade, development and human rights. Hence, national parliaments lose the capacity to hold their governments accountable for the embedding of security actions that take place in CSDP. Without sufficient information on the overall scope of a crisis management mission, parliaments decide, if they do so at all, only on parts of a larger EU foreign policy.

How should parliaments be involved?

The shortcomings of the Lisbon Treaty and the challenges of multi-level and multi-layered security governance beg the question how parliaments can become involved in CSDP, including through institutionalised interparliamentary cooperation.

Roland Bieber has observed that, in a situation in which the EU increasingly has to take complex foreign policy decisions, all policy perspectives, including those of parliaments, need to be taken into account.²¹ The EU is only able to find answers to global policy problems if the perspective of parliaments – which represent citizens, not states – is also heard by executive decision-makers. Bieber's argument can easily be transferred to CSDP in the current situation. Security and defence decisions need to take into account as many concerns as possible (input legitimacy) in order to arrive at effective and coherent policy solutions (output legitimacy). Given the multi-layered nature of EU foreign policy, of which CSDP is only one part, and given that the dividing lines between 'the external' and 'the internal' are becoming more and more blurred, the complexity of security and defence decisions must be checked against the interests and needs of those who are actually affected by such a policy. This also implies that CSDP as an area of intergovernmental policymaking is inseparable from other, more supranational policy fields. It follows that an interparliamentary setting can be a unique forum for considering the overall complexity and multi-layeredness of CSDP. Pooling information from various decision-making levels in an interparliamentary forum and making comprehensive transparliamentary suggestions (embracing the concerns of national parliaments and the EP) could help determine what CSDP policies should be adopted.

²⁰ *Ibid.*

²¹ Bieber, "Democratic Control of European Foreign Policy", 152–3.

Christopher Lord has also made a strong argument in favour of increased parliamentary involvement in CSDP at both the European and national level. In his conception of parliamentary control, however, interparliamentary arrangements in the field of CSDP do not always “yield superior parliamentary control”.²² He argues that especially an interparliamentary forum with voting capacity would decrease the overall number of parliamentary vetoes and control. In his opinion, governments would need to justify their actions in CSDP more thoroughly if they were controlled by various parliaments, with the latter issuing a multiplicity of concerns at the same time.²³ Hence, powerful interparliamentary assemblies could be seen as undermining the exercise of the control and scrutiny functions of individual parliaments, including those of the EP.

Beyond formal control powers, others, like Peters, Deitelhoff and Wagner, regard interparliamentary cooperation as beneficial to interparliamentary information exchanges between national parliaments and between national parliaments and the EP.²⁴ They argue that interparliamentary settings could help to strengthen parliamentary accountability in a primarily intergovernmental policy area.

Differences in the conception and institutional design of interparliamentary accountability are also represented in the latest debate between European parliaments (see below). In particular, it has been problematic for parliamentary actors to arrive at one mutually agreed format of interparliamentary cooperation and at one institutional design.

The future of interparliamentary cooperation in CSDP

As mentioned, with the decision of the states parties to the Modified Brussels Treaty to terminate the WEU and the WEU Assembly on 30 June 2011, a crucial element in the institutional structure of parliamentary accountability in CSDP no longer exists. Interestingly, in their decision, the states parties “encourage [...] the enhancement of interparliamentary dialogue” and assert that Protocol 1 “may provide a basis for it”.²⁵

The carefully chosen language, mentioning “interparliamentary conferences on specific topics” (Article 10) and “interparliamentary dialogue” (WEU Declaration), instead of using terms such as “interparliamentary assembly” and “parliamentary scrutiny”, could be read as pointing to less institutionalisation and less parliamentary scrutiny – and of a non-binding character.

²² Lord, “Political Theory and Practice”, 1144.

²³ *Ibid.*, 1145.

²⁴ Peters *et al.*, *Parliaments and European Security Policy*.

²⁵ “Statement of the Presidency of the Permanent Council of the WEU on behalf of the High Contracting Parties to the Modified Brussels Treaty – Belgium, France, Germany, Greece, Italy, Luxembourg, The Netherlands, Portugal, Spain and the United Kingdom”, Brussels, 31 March 2010, http://www.weu.int/Declaration_E.pdf.

During the second half of 2010, national parliaments, the EP and the Belgian Presidency of the Council of the EU started deliberating on how the gap left by the Assembly could be filled by a new overall structure of parliamentary cooperation. However, the meeting in Brussels of the Conference of European Speakers of the Parliaments of the EU on 4-5 April 2011 did not end with a common consensus as parliamentarians from several national parliaments and the EP could not agree on the composition of a new ‘conference’. Especially disputed was the quantity of MEPs and the conference secretariat’s institutional embedding. The Conference Presidency concluded that “[...]given the diverging views, the Speakers did not reach an agreement on all aspects of the establishment of an interparliamentary Conference [...]”.²⁶

Despite the failure to achieve an overall agreement, the Presidency Conclusions of the Conference of Speakers of the Parliaments of the EU announced, amongst others, consensus on the following issues:

- An interparliamentary conference on CFSP/CSDP shall be set up, composed of “delegations of the national parliaments of the EU member states and the European Parliament”, to replace COFACC and CODAC meetings;
- The national parliaments of EU candidate states or members of NATO shall be invited to send observers;
- The conference shall meet two times per year in the country of the Presidency of the EU or in the EP in Brussels;
- The national parliament of the rotating presidency shall chair the meetings “in close cooperation” with the EP;
- The HR “shall be invited” to the meetings to “set out the outlines and strategies” of CFSP/CSDP;
- The conference can adopt “non-binding conclusions by consensus”.²⁷

Looking at these points, the first impression is that parliaments were actually aiming for a less institutionalised forum and less scrutiny, and of a less binding nature. For example, the consensus refers to the setting up of an “interparliamentary conference” rather than an institutionalised interparliamentary assembly. Less institutionalisation can also be seen in the rotating conference presidency, which is linked to the rotating presidency of the Council of the EU while, pursuant to the establishment of the HR and the permanent President of the European Council by the Lisbon Treaty, the rotating presidency has become less important in the areas of CFSP and CSDP. In keeping with a less institutionalised nature, less scrutiny would also be exercised, as the HR “shall be invited [...] to set out the

²⁶ “Presidency Conclusions, Conference of the Speakers of the Parliaments of the EU”, Brussels, 4–5 April 2011, <http://www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do?id=082dbcc530b1bef60130b64f909f0023>.

²⁷ *Ibid.*

outlines and strategies". The wording does not embrace any sort of scrutiny – neither a formal, nor an informal right to information, critical questioning or even the prospect that the interparliamentary conference might be heard by the HR. Finally, the ‘conference’ character is further underlined by the agreement that “non-binding conclusions” shall be taken “by consensus”.

Furthermore, no overall consensus was reached because of the differing conceptions of what kind of parliamentary cooperation should be sought in the first place. On the one hand, the EP and a minority of parliaments (Belgium and Italy) argued that the EP should be represented by 54 delegates, whereas member state parliaments would each be represented by four members.²⁸ A later compromise by the Belgian Presidency provided for 27 MEPs and four members per national parliament.²⁹ The EP argued that its delegation had to be larger than individual parliament delegations because it needed experts from all sorts of committees working on issues related to CSDP beyond those in the Security and Defence (SEDE) committee to scrutinize CSDP. Thus, it became evident that the EP, despite the official wording of the conference, wanted to go beyond an exchange and dialogue on security and defence policy and establish a situation in which the EP could resume its own scrutiny-of-a-kind at the European level. The EP would do so by taking account of the multi-layered, rather than only the intergovernmental character of CSDP, and a large delegation in the conference would allow it to discuss and scrutinize security and defence policies ‘its way’, by looking at their relationship with other policy fields. According to one MEP, not all (national) parliaments shared the EP’s perspective and they “still try to distinguish between Foreign, Security and Defence Policy on the one hand and External Affairs on the other”.³⁰ In its Resolution of 7 July 2011, the EP underlined

that its own representation in any new form of interparliamentary cooperation should be of a scale which reflects the range and importance of its role in scrutinizing CFSP/CSDP, recognizes the common European nature of such policies and satisfies the need to reflect the political and geographic pluralism of the House.³¹

The EP also strongly supported the idea of installing the conference secretariat in the EP. Such a move would have benefited the EP’s attempt to address CSDP as a ‘common’ multi-layered policy, and to impact on conference agendas accordingly. The EP underlined this by stating that “the Secretariat and premises of the EP are

²⁸ “Conference of the Speakers of the Parliament of the EU, Topic: Parliamentary Scrutiny of the Common Foreign and Security and Defence Policy (CSDP) – Overview of the Responses of the Belgian Presidency Proposal”, Brussels, 4–5 April 2011, <http://www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do?id=082dbcc530b1bef60130b64f909f0023>.

²⁹ *Ibid.*

³⁰ Interview with a Member of the European Parliament, Brussels, 21 September 2011.

³¹ Caballero-Bourdout, *Parliamentary Scrutiny*, 45.

in principle available to support the organisation and hosting interparliamentary meetings”.³²

However, according to one MEP, the EP was not satisfied with ‘scrutiny’ in the end: “Scrutiny is a bit boring. We want to inform and shape the emergence of these common policies.”³³ As expressed by another MEP: “What is still missing is the democratic control of EU missions. It is neither in place on the national, nor on the European level. This is the greatest deficit, as I see it at the moment.”³⁴ Along this line of reasoning, it becomes obvious that the EP’s long-term idea is to make CSDP accountable to the supranational EP.

On the other hand, several national parliaments denied that CSDP constitutes more than an intergovernmental field, arguing that the EP should represent European citizens by the same numbers as other parliaments. A letter to the Belgian Presidency of the Speakers’ Conference by the UK’s House of Lords Chair of the European Union Committee and the House of Commons Chair of the Foreign Affairs Committee spelled this out clearly: “Each national parliament and the EP would have delegations to the conference consisting of a maximum of six parliamentarians”.³⁵ According to the British proposal, three MEPs would represent the Foreign Affairs Committee (AFET) and three the Security and Defence Committee (SEDE).³⁶ It was observed that in a conference without majority voting, over-representation would not make sense and that the conference could be arranged in a “COSAC-type system (27+1)”.³⁷ In the same vein, a group of national parliamentarians argued that CSDP is inherently intergovernmental in character and that over-representation of the supranational EP would sit uneasily with this.³⁸ CSDP, so the argument goes, is not about other policies beyond security, but about the use of military and police force, which remains to be decided by member state governments. Quite clearly, any form of scrutiny beyond the national level would run against the intergovernmental conception of CSDP, stated by many national parliamentarians during the debate.³⁹ However, in the opinion of one MEP, this perspective only showed that these MPs were “in denial of the Lisbon Treaty, and they would like to draw back the powers that they conceded”.⁴⁰

A formal compromise was found at the next Speakers’ Conference on 20-21 April 2012 in Warsaw. Following an exchange of letters between the Polish

³² *Ibid.*

³³ Interview with a Member of the European Parliament, Brussels, 21 September 2011.

³⁴ Interview with a Member of the European Parliament, Brussels, 13 September 2010.

³⁵ “Letter of the United Kingdom Parliament to the Belgian Presidency”, 14 March 2011, <http://www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do?id=082dbcc530b1bef60130b64f909f0023>.

³⁶ Participatory Notes of the Authors, Speakers’ Conference, Brussels, 4 April 2011.

³⁷ Caballero-Bourdout, *Parliamentary Scrutiny*, 45–6.

³⁸ Participatory Notes of the Authors, Speakers’ Conference, Brussels, 4 April 2011.

³⁹ *Ibid.*

⁴⁰ Interview with a Member of the European Parliament, Brussels, 21 September 2011.

Presidency of the Speakers' Conference, the EP and all other national parliaments in November 2011,⁴¹ an overview was drawn up by the general secretaries of all EU parliaments on 5–6 February 2012 in Warsaw. In spite of the preference of many national parliaments for equal representation, according to the draft compromise national parliaments could send four (plus two alternates) and the EP 16 members. The statement of the general secretaries of February 2012 mentioned that even some parliaments which still oppose the new formula would accept the compromise, given the "importance" of setting up an interparliamentary conference.⁴² In his letter to his Polish colleagues, EP President Jerzey Buzek pointed out that the EP might have to send substitute members, "reflecting the flexibility we need on an issue of such sensitivity". Finally, according to the new compromise, the secretariat would be "in the COSAC formula", meaning that it would be composed of one permanent official who, at the time of the appointment for a period of 2 years, serves a national parliament and officials from the presidency troika in office, who would be appointed for a period of 18 months.⁴³

In the final compromise of 20 April 2012, national parliaments of EU member states gained six representatives and the EP 16, while candidate member states and other NATO member states would be able to send four delegates. How the delegations are composed is to be determined by individual parliaments.⁴⁴ The proposed flexibility in the number of participants (EP) is not mentioned anywhere in the final agreement of April 2012. And the composition of the secretariat is not included either.

Conditions for interparliamentary scrutiny

Although a final compromise was found in Warsaw, the agreement did not bring about any change in the deeply divided parliamentary views on the way the conference should be established and how it should operate. Parliaments seem to have missed the opportunity to achieve a common understanding of interparliamentary activity. Genuine interparliamentary cooperation should create an added layer of scrutiny, a network of parliaments working together to match the transgovernmental networks of CSDP. Endorsement of the following five criteria in the context of

⁴¹ Letters between the Speakers of the Sejm and the Senate of the Republics of Poland and the President of the European Parliament on 15 November 2011 and 18 November 2011; Letter between the Speakers of the Sejm and the Senate of the Republics of Poland and the national parliaments' speakers on 29 November 2011. <http://www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do?id=082dbcc530b1bef60130b6491e6c001d>.

⁴² "Meeting of the Secretaries-General of EU Parliaments", Warsaw, 5–6 February 2012.

⁴³ See Article 9.1, Article 9.2 and Article 9.3: EP, "Rules of Procedure of the Conference of Parliamentary Committees".

⁴⁴ "Presidency Conclusions", Warsaw, 20 April 2012, <http://www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do?id=082dbcc530b1bef60130b6491e6c001d>.

new interparliamentary cooperation could make for an interparliamentary setting that would be of added value to CSDP.

Cooperating parliaments

Parliaments should commit themselves to the exchange of information and mutual cooperation in an interparliamentary setting. It has become apparent during the Conference of Speakers in 2011 and 2012, however, that parliaments have a hard time coming to terms with the new institutional set-up of such a conference. In order to cooperate fruitfully on CSDP issues, both the EP and national parliaments need to agree on the underlying functional question why a new conference is needed. The final compromise should be not only on questions of representation, but also on the question to what end parliaments cooperate on CSDP issues. There is still quite a way to go on this point. As the Presidency Conclusions of the 2011 Speakers' Conference mentioned, there was "a difference between the various parliamentary point of views [...] between those who wished to focus on the intergovernmental dimension of the CFSP and CSDP and those who wished the Community dimension also to be included".⁴⁵

Complementary parliaments

Parliaments should see their collaboration in the field of security policy as exchanges between complementary, rather than rival actors. The overall objective must be to establish a conference setting that can make a difference to the system of CSDP by providing room for dialogue, exchange of information and additional scrutiny of different parliaments inside and outside the EU.

To that end, it is important that parliaments understand that the EP and national parliaments complement each other. The EP is responsible for the non-military budget of CSDP and aims at scrutinizing these policies by supervising the HR and the EEAS.⁴⁶ Also, it has access to security documents at the European level. Overall, the EP is in a better position to scrutinize 'cross-pillar' issues, for instance between security and development, security and human rights, security and democratisation. However, it is national parliaments that determine the national defence budgets. Furthermore, only national parliaments can hold national executives accountable for their policy decisions in the context of CSDP. As such, parliaments should regard each other as having different roles to play in scrutinizing CSDP. They should make use of their complementarity to scrutinize CSDP and pose critical questions about CSDP developments. The views of the national

⁴⁵ "Presidency Conclusions, Conference of the Speakers of the Parliaments of the EU", Warsaw, 4–5 April 2011. <http://www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do?id=082dbcc530b1bef60130b64f909f0023>.

⁴⁶ Participatory Notes of the Authors, Speakers' Conference, Brussels, 4 April 2011.

parliaments of NATO partners and future candidates are of additional importance as they provide insight into how the EU's role is viewed from the outside.

Confidential dialogues

A conference of parliamentary dialogues on CSDP amongst different parliaments might be able to foster the kind of interaction and transnational encounter of parliamentarians that would enable them to gain information for when they scrutinize CSDP in their own institutional setting – either national or European. Debates in such a conference would bring parliamentarians' ideas and objectives in CSDP to the fore.

To this end, the question of over-representation does not actually matter. The conference would not vote, but decide on a consensual basis. If more parliamentarians are needed to present the case of special concerns or issues at the conference, this should be seen as strengthening the dialogue. As a result, parliaments should endorse the compromise proposed by the Polish Presidency to invite more national and EP parliamentarians if and when necessary.⁴⁷

Coordinated agendas

The conference would have to be well coordinated by a competent secretariat situated at the heart of CSDP. As CSDP is increasingly decided upon in Brussels rather than in the member states, the conference would be well-advised to locate the new secretariat there. In addition, given that the ambition is to downsize overall costs and that the EP is well positioned to follow up overall CSDP developments, it would make sense to establish the secretariat in the EP, as the Belgian Presidency proposed during the 2011 Speakers' Conference. Moreover, the EP's President made a sensible point when he submitted that future conference agendas "should be decided jointly by the Parliament of the country holding the EU rotating Presidency and the EP. Similarly the meetings of the conference should be co-organised and co-chaired with the EP."⁴⁸

Comprehensive and comparative scrutiny

Scrutinizing CSDP needs to take account of the various policy instruments at EU level and the capacities, needs and limitations of the EU and its member states. The former WEU Assembly offered a good example of such a comparative method, as it gathered information in a comparative perspective on EU crisis management from the many member states involved which it then presented in WEU

⁴⁷ See the proposal in the letter of the German Bundestag, 15 December 2011, <http://www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do?id=082dbcc530b1bef60130b6491e6c001d>.

⁴⁸ Letters between the Speakers of the Sejm and the Senate of the Republics of Poland and the President of the European Parliament on 15 November 2011 and 18 November 2011. <http://www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do?id=082dbcc530b1bef60130b6491e6c001d>.

Assembly reports. At the same time, however, in an interparliamentary context, the EP's comprehensive view on the interdependent link between security and other policy issues is important. Bringing these two perspectives together provides added value and a *transparliamentary* dimension, as it combines the concerns of the different parliamentary bodies. To that end, it would be beneficial if executive figures like the HR or the staff of the EEAS not only informed the interparliamentary conference, but could also be confronted with comprehensive questions, analysis and policy recommendations, which they would have to take into consideration in the decision-making processes. In this way, the multi-level decision-making process would interface with an effective parliamentary network of information gathering and scrutiny, to which it would continuously have to respond.

Conclusion

This article has looked into the need for parliamentary scrutiny of the EU's CSDP. Given that CSDP-related decisions are now taken in multi-level settings like the UN and the EU, neither the EP nor national parliaments are in a position to hold decision-makers sufficiently accountable. In light of this, it has been argued that interparliamentary cooperation can provide added value to feed input legitimacy at the European and national parliamentary levels.

Such a call for interparliamentary cooperation, however, contrasts with the Lisbon Treaty's lack of clear indications for the set-up and functioning of interparliamentary cooperation. It is true that simply setting up another interparliamentary forum will not cure the problem of parliamentary accountability: interparliamentary dialogue is not a means in itself, but rather a tool for achieving comprehensive and comparative scrutiny in interparliamentary settings.

The distinction between various forms of parliamentary accountability – parliamentary control, scrutiny and oversight – makes it possible to identify different visions of parliamentary accountability in the context of interparliamentary cooperation. It was these differences at the Speakers' Conferences that watered down the overall compromise. Different parliamentary interpretations of what parliamentary accountability is all about could be detrimental to the functioning of this new forum. There is thus the danger that such a forum would offer no added value in terms of parliamentary accountability.

As this is a serious challenge, five conditions have been set out – cooperation among parliaments, complementarity among parliaments, conferral dialogues, coordinated agendas, and comprehensive and comparative scrutiny – which, if fulfilled would allow parliaments to move toward agreement on a conference with a common objective that would serve the needs of CSDP: interparliamentary scrutiny.

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