Parliamentary War Powers Around the World, 1989-2004. A New Dataset

Wolfgang Wagner, Dirk Peters and Cosima Glahn

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Acknowledgements

Abbreviations

BDF	Botswana Defence Force
DANCON	Danish Contingent/Iraq
ESDP	European Security and Defence Policy
EU	European Union
EUBAM Rafah	European Union Border Assistance Mission in Rafah
EUFOR	European Union Force
EUFOR DRC	European Union Force in the Democratic Republic of Congo
EUPM BiH	European Union Police Mission in Bosnia and Herzegovina
EUSEC	European Union Security Sector Reform Mission
GROM	Operational Mobile Reaction Group (Poland)
HDF	Hungarian Defence Force
IFOR	Implementation Force
INTERFET	International Force East Timor
ISAF	International Security Assistance Force
KFOR	Kosovo Force
KYSEA	Governmental Council on Foreign and Defence Matters (Greece)
MFO	Multinational Force and Observers
MINUEE	Mission des Nations Unies en Ethiopie et en Erythrée
MINURSO	United Nations Mission for the Referendum in Western Sahara
MINUSTAH	United Nations Stabilization Mission in Haiti
MONUC	United Nations Organization Mission in the Democratic Republic of Congo
MP	member of parliament
NATO	North Atlantic Treaty Organization
NCFP	National Council on Foreign Policy (Greece)
NTM-I	NATO Training Mission in Iraq
OAS	Organization of American States
ONUB	United Nations Operation in Burundi
ONUCA	United Nations Observer Group in Central America
ONUSAL	United Nations Observer Group in El Salvador
OSCE	Organization for Security and Co-operation in Europe
PNGDF	Papua New Guinea Defence Force
RAMSI	Regional Assistance Mission to Solomon Islands
SANDF	South African National Defence Force
SCDFA	Standing Committee on Defence and Foreign Affairs (Greece)
SDF	Self Defence Force (Japan)
SFOR	Stabilization Force
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNAMSIL	United Nations Mission in Sierra Leone
UNAVEM	United Nations Angola Verification Mission
UNDOF	United Nations Disengagement Observer Force
UNEF	United Nations Emergency Force
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNIFIL	United Nations Interim Force in Lebanon
UNIKOM	United Nations Iraq-Kuwait Observation Mission
UNITAF	Unified Task Force
UNMIH	United Nations Mission in Haiti
UNMIK	United Nations Mission in Kosovo
UNMIL	United Nations Mission in Liberia
UNMIS	United Nations Mission in Sudan

UNMISET	United Nations Mission of Support in East Timor
UNMIT	United Nations Integrated Mission in Timor-Leste
UNOCI	United Nations Operation in Côte d'Ivoire
UNOMIG	United Nations Mission in Georgia
UNOSOM	United Nations Operation in Somalia
UNPROFOR	United Nations Protection Force
UNTAC	United Nations Transitional Authority in Cambodia
UNTAET	United Nations Transitional Administration in East Timor

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1. Introduction

War powers have been contested between governments and parliaments throughout the history of democratic politics and political theory. On the one hand, the authorisation of standing armies, of conscription and of taxes for the purpose of waging war has been the *raison d'être* of early modern parliamentarianism ever since the English nobility reached a constitutional settlement in the Glorious Revolution of 1688. Moreover, as few decisions potentially have a more severe impact on the lives of citizens than decisions regarding military missions, one can argue that no meaningful notion of democracy could possibly exempt them from parliamentary control (see Lord, 2008). On the other hand, theorists of democratic politics have been concerned that parliamentary influence over military deployments would threaten to undermine executive flexibility and thus hamper the effectiveness of military operations. Machiavelli, Locke, Montesquieu and de Tocqueville all argued that the executive should be able to decide autonomously over the deployment of armed forces (see Damrosch, 2002: 43; Owens and Pelizzo, 2009). Both arguments have survived significant changes in the nature of armed conflict, with self-defence and peace-support missions replacing war as legal and legitimate forms of military force (Neff, 2005).

In political practice, democracies have resolved this conflict between democratic control and executive flexibility and effectiveness in the military realm in many different ways. The powers of parliaments in this issue area vary widely among democracies around the world. It is well known, for instance, that the US president can deploy military troops with much less interference from parliament than, say, the German chancellor can. Yet any overall investigation of such differences is hampered by the fact that no systematic survey of these parliamentary control procedures as yet exists. To be sure, there are in-depth studies of particular cases, but comparisons between such cases and investigations of the different causes of parliamentary control procedures and their implications for the democratic quality of decision-making, or even for military effectiveness, require the ability to put the compared cases into context. Are they unique? Are they representative of a larger group of comparable cases?

To roll out the basis for such systematic research and also raise awareness of the different approaches that states have taken to parliamentary control and

the different solutions that may be possible, we created a dataset that assembles information about parliamentary control procedures in 49 democracies worldwide. This paper presents this dataset, ParlCon. It outlines our rationale for creating the dataset and the information contained in it. In particular, we describe which countries were included (uncontested democratic states that are internationally recognised and possess armed forces) and the time period covered by our research (1989–2004), and explain on which aspect of parliamentary control procedures our research focused (the existence or non-existence of parliamentary *ex ante* veto power over military deployments). Moreover, the paper outlines some patterns and basic variations that we found in parliamentary control procedures among the 49 states examined. The largest chunk of this paper, however, is devoted to the heart of the matter: in 49 country studies we describe the decision-making power that parliaments possess before troops can be deployed by their governments.

2.   The ParlCon dataset: An outline

2.1   Research on parliamentary control of military deployments and ParlCon's approach

The control powers of parliaments over security policy have only made it onto the research agenda slowly and after the end of the Cold War. Two main developments in particular created a rising interest in the role of democratic institutions in security affairs. First, the increasing prevalence of multilateral military operations short of war brought the question of democratic legitimacy and democratic mechanisms for controlling such operations to the fore (see e.g. Ku and Jacobson, 2002). Secondly, during the post-Cold War transformation of formerly authoritarian states, the reform of civil-military relations in those states became a highly important topic. Research on this issue also reflects on the role of parliament and legislative-executive relations in the civilian control of the armed forces (see e.g. Cawthra and Luckham, 2003; Cottey et al., 2002, 2005; Simon, 2004). Much of the literature in both areas, however, examines parliaments only in passing or as one among a host of other democratic institutions. Those texts that focus especially on parliaments usually do so in the context of one particular international institution, usually the European Union (EU – e.g. Bono, 2006; Diedrichs, 2004; Peters et al., 2008; Thym, 2006), or of one or few individual states (e.g. Born and Hänggi, 2004; Born, 2006).

What is very rare, though, are larger systematic comparisons of parliamentary control provisions across states. These would not only enable researchers to learn more about the varieties of parliamentary control

procedures that exist and to investigate the causes and consequences of this variety, but would also be a prerequisite to systematically assessing the ability of these procedures to create meaningful democratic control. Such comparisons are scarce, however, and where they exist they focus first and foremost on Western democracies. Two projects have pioneered this form of comparative study of parliamentary control powers. The *paks* project, located at the University of Düsseldorf, has undertaken a survey of parliaments' war powers in all EU member states in 2003 and put them to use in explaining those countries' approaches to the Iraq war (Dieterich et al., 2009; 2010).[1] The second project was carried out by the Geneva Centre for the Democratic Control of Armed Forces (DCAF), mandated by the European Parliament's Subcommittee on External Security and Defence. It examined the involvement of EU member states' parliaments in controlling European security and defence policy (ESDP) operations, focusing on two military and two civilian operations (Born et al., 2007; Anghel et al., 2008).

There is much to be learnt from these studies, which focus their comparison of parliamentary control procedures on one region during a small timeframe. The most obvious advantage of this approach is that more resources can be spent on the comprehensive in-depth study of parliamentary control powers in all phases of troop deployment and on elaborating in detail the similarities and differences between the countries, which these studies do in an impressive fashion.

Our own research, the ParlCon project, takes the comparative approach in a different direction and complements these studies in at least three respects. First, it broadens the regional scope by including democracies around the world. Including democracies outside the EU and the OSCE (Organization for Security and Co-operation in Europe) will help to assess whether the patterns encountered within the EU are applicable to states in other regions as well. Second, it broadens the timeframe of the comparison. Instead of focusing on an in-depth snapshot of parliamentary control procedures at a given point in time, we investigate those procedures over a 16-year period from 1989 to 2004. This will help us to better understand the dynamics of parliamentary control procedures. Are there general trends in parliamentary control? Do they extend in step with the military activity of countries or are they stable across time? Thirdly, our project aims at making the results of the country studies accessible in a succinct format that may also prove useful to certain social scientists using methods that are employed for comparisons of a medium to large number of cases, like statistics and Qualitative Comparative Analysis (see Rihoux and Ragin, 2009). Therefore we developed a straightforward coding scheme that allows us to distil our results into a

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[1]   A description of the project and several working papers can be found on the project website at www.paks.uni-duesseldorf.de/index-english.htm (accessed 15 July 2009).

dataset that can be used for research into the patterns and causes of variance in parliamentary control procedures.

There is a trade-off, of course, in extending the scope of the comparison and making the results available in the form of a dataset. The price that must be paid is narrowing the focus on the subject matter, parliamentary control. Instead of investigating parliamentary control powers in all their breadth, ParlCon focuses on what we would argue is the key tool for effective parliamentary control of military deployments: *ex ante* veto power of parliaments over executive deployment decisions.

The following sections will describe the basic outlines of the ParlCon dataset in greater detail. We shall describe which countries are included in the dataset, and explain and defend our measure of parliamentary control.

2.2   ParlCon's scope: Democracies worldwide, 1989-2004

ParlCon contains information about democracies around the world. It is thus not restricted to a single region, in order to relax the focus on the Western world of some of the research in this vein. Since it makes little sense to examine parliamentary control in countries that are not democratic, the ParlCon sample is restricted to those countries that can be considered as uncontested democracies. We use the Polity IV database to identify these countries, and include all states that receive a score of 9 or 10 on the Polity scale.[2] Moreover, states that do not have a military are excluded (Costa Rica, Mauritius and Panama), as well as states that are not widely recognised internationally and therefore considerably restricted in their ability to participate in international military operations (Taiwan).

Secondly, ParlCon includes data not only at one point in time but during the period 1989–2004, thus allowing for longitudinal analysis in addition to cross-national comparison. The period after 1989 is of particular interest, as the concept of military operations has changed significantly since that date with the increasing prevalence of operations that are considered internationally legitimate and legal, especially the growing number of multilateral peace-support operations. Control procedures before and after 1989 may thus be difficult to compare, since they may relate to different

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[2]   The Polity IV dataset is widely employed in international relations and comparative politics research to measure the 'democraticness' of a country. It includes an 11-point democracy scale (0 to 10) and an 11-point autocracy scale (0 to 10). A country's regime type ('combined Polity score') is then measured by subtracting its autocracy score from its democracy score, yielding a 21-point scale (-10 to +10). A value of +9 is assigned only to countries whose democratic character is not in doubt. Since the Polity dataset does not contain information on states with a population of less than 500,000, very small countries are excluded from ParlCon by default. The Polity project was founded by Ted Gurr in the 1970s, and Polity IV is located at the Center for Systemic Peace and George Mason University and directed by Monty G. Marshall. The dataset is available at www.systemicpeace.org/inscr/inscr.htm (accessed 15 July 2009). To select the countries for inclusion in dataset we relied on the most current Polity IV version at the start of the ParlCon project, 'v2004', which contained country codings until 2004.

types of military operations. Moreover, since the end of the Cold War democracies have become more and more militarily active and thus the distribution of competences for sending troops abroad has received increasing attention, which has led to a clarification of control powers in some states after 1989. Therefore 1989 serves as the starting point. The main focus of the dataset is on the control of military operations short of war.

Consequently, ParlCon contains information on parliamentary control for each country in each year between 1989 and 2004 as long as that country had a Polity score of 9 or above. This implies a considerable extension of scope when compared to other studies. Overall ParlCon includes information about 49 countries. They are included for varying periods of time, depending on their Polity score in the respective year (see Table 1). Twenty-eight countries are present in the dataset across all 16 years; Romania is included for the shortest period of time, namely a single year (2004). Altogether, ParlCon contains 616 data points ('country-years'). In addition to the EU countries, which were covered by the *paks* project and the DCAF study mentioned above,[3] ParlCon contains information on 26 further states, including three more from Europe, nine from Latin America and the Caribbean, seven from Asia and the Middle East, and three from Africa.[4] Map 1 shows the geographical distribution of the countries included in ParlCon.

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[3] Luxembourg, Estonia and Latvia are EU member states which are not included in ParlCon. Luxembourg does not meet the population criterion to be included in the Polity IV dataset. Neither Estonia nor Latvia is ranked high enough in the Polity IV dataset, with Estonia scoring 6 and Latvia 8 points on the Polity scale.

[4] The other newly covered states are the USA, Canada, Australia and New Zealand. A full list of countries and years covered can be found in Table A1 in the Annex.

Table 1: List of countries, Polity scores and time periods included in the dataset

Country	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04
Australia	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Austria	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Belgium	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Bolivia	9	9	9	9	9	9	9	9	9	9	9	9	9	9	8	8
Botswana	8	8	8	8	8	8	8	8	9	9	9	9	9	9	9	9
Bulgaria	-7	8	8	8	8	8	8	8	8	8	8	8	9	9	9	9
Canada	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Chile	8	8	8	8	8	8	8	8	8	8	8	9	9	9	9	9
Colombia	8	8	9	9	9	9	7	7	7	7	7	7	7	7	7	7
Cyprus	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Czech Republic	n/a	n/a	n/a	n/a	10	10	10	10	10	10	10	10	10	10	10	10
Denmark	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Ecuador	9	9	9	9	9	9	9	9	8	9	9	6	6	6	6	6
Finland	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
France	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9
Germany	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Greece	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Hungary	n/a	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
India	8	8	8	8	8	8	9	9	9	9	9	9	9	9	9	9
Ireland	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Israel	9	9	9	9	9	9	9	9	9	9	10	10	10	10	10	10
Italy	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Jamaica	10	10	10	10	9	9	9	9	9	9	9	9	9	9	9	9
Japan	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Lithuania	n/a	n/a	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Macedonia	n/a	n/a	6	6	6	6	6	6	6	6	6	6	6	9	9	9
Madagascar	-6	-6	n/a	9	9	9	9	9	8	7	7	7	7	7	7	7
Mongolia	-7	2	2	9	9	9	9	10	10	10	10	10	10	10	10	10
Netherlands	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10

Country	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04
New Zealand	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Norway	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Papua New Guinea	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Peru	7	8	8	–3	1	1	1	1	1	1	1	n/a	9	9	9	9
Poland	5	5	8	8	8	8	9	9	9	9	9	9	9	10	10	10
Portugal	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Romania	n/a	5	5	5	5	5	5	8	8	8	8	8	8	8	8	9
Slovakia	n/a	n/a	n/a	n/a	7	7	7	7	7	9	9	9	9	9	9	9
Slovenia	n/a	n/a	10	10	10	10	10	10	10	10	10	10	10	10	10	10
South Africa	4	5	5	n/a	n/a	9	9	9	9	9	9	9	9	9	9	9
Spain	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Sweden	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Switzerland	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Thailand	3	3	–1	9	9	9	9	9	9	9	9	9	9	9	9	9
Trinidad	9	9	9	9	9	9	9	9	10	10	10	10	10	10	10	10
Turkey	9	9	9	9	8	8	8	8	7	7	7	7	7	7	7	7
United Kingdom	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
United States	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Uruguay	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Venezuela	9	9	9	8	8	8	8	8	8	8	7	7	6	6	6	6

Map 1: Countries included in ParlCon
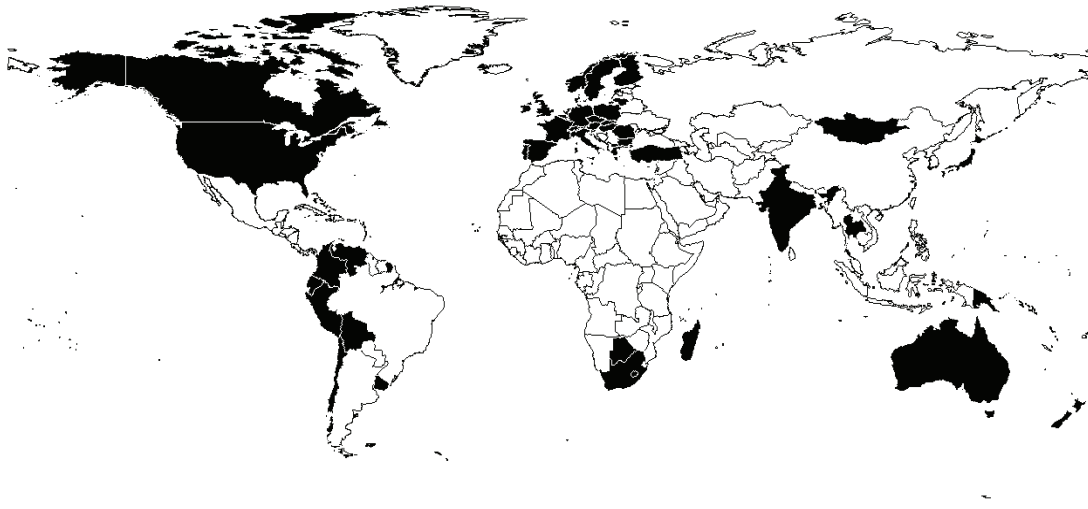
2.3 ParlCon's subject matter: Parliaments' *ex ante* veto power over military deployments

For all these countries and years, ParlCon assembles information about one particular, and particularly important, aspect of parliamentary control: can parliament veto a deployment that is being planned by the executive? The dataset answers this question with 'yes' or 'no' for each country in every year included.

This concept of parliamentary control powers is considerably narrower than that of other studies. The *paks* project, for example, examines four different dimensions of parliamentary powers: legislative and budgetary resources; control resources; communication resources; and election resources. Overall parliamentary war powers are measured on a five-point scale. 'Comprehensive' war powers exist when a parliament scores high on all dimensions, and 'deficient' war powers when parliament has no specific powers in the different dimensions. Between these two extremes three categories are added: war powers are 'selective' when generally comprehensive powers exist but there are exceptions (i.e. powers relate only to certain kinds of operations); 'deferred' when control can be exercised only *ex post*; and 'basic' when parliaments cannot decide on the use of force but must be notified when the executive sends troops abroad (see Hummel and Marschall, 2007).

There are obvious pragmatic reasons which make it almost impossible to examine five dimensions of parliamentary war powers in 49 countries over a time period of 16 years with limited resources. But aside from such considerations, we would argue that focusing squarely on the presence or

absence of a parliamentary veto right over military deployments is a highly useful starting point for investigating parliamentary control procedures. *Ex ante* veto power is certainly not the only way in which parliaments could exert control over deployments. Even *ex ante* consultation, for example, could give parliament the opportunity to affect executive decisions somewhat. Parliaments, moreover, may become involved in other phases of a mission, not only before troops are deployed. Parliaments may, for example, be empowered to call the troops back home in the early phase of an operation. They may become involved at later stages of a deployment by retaining the right to monitor activities, thus acting as a watchdog whose presence may continue to affect executive decisions. Finally, parliament may become influential after a deployment has ended by performing an evaluation and exposing weaknesses in how government and the military leadership handled an operation. The prospect of such an evaluation procedure may also affect how a deployment is carried out and, of course, the subsequent use of the armed forces. To make things even more complex, parliament's ability to affect executive decisions does not only depend on the competences that the legal order confers on it. Besides the 'authority' to become involved, parliaments also need the 'ability' and the 'attitude' to become engaged (Born, 2004; Hänggi, 2004). That is to say, parliaments must be equipped with a certain set of resources that enables them to exert effective control, and parliamentarians must actually become engaged and put their authority and their resources to use in order to make parliamentary control effective.

Despite all this, there can be no doubt that 'the strongest means of parliamentary oversight by far is... the constitutional or legal right to approve or reject such use of force' (Hänggi, 2004: 14; see also Born, 2004: 211). A parliament that possesses this authority can, through this tool alone, exert significant influence on executive decisions. A parliament that lacks it must at least have a large arsenal of others, and none of these are likely to be as effective. Veto power is the only means for parliament to *ensure* that executive decisions are in line with parliamentary preferences, and the ability to employ veto power before troops are sent abroad is crucial in guaranteeing the effectiveness of this power. Once forces have been sent abroad the situation completely changes and an *ex post* veto, as useful as it may be, cannot be nearly as effective as a veto prior to the deployment decision. Calling back troops will be much more costly than not employing them in the first place in military, strategic and reputational terms. Therefore, when confronted with a *fait accompli*, it may be rational for parliament to leave troops in action even if it would not have agreed to an operation had it been asked beforehand.

To be sure, the rise of party politics has transformed legislative-executive relations. Especially in parliamentary democracies in which a majority in parliament may unseat government at any time, party discipline ensures the loyalty of the majority party (or parties) to government. As a consequence, the relation between executive and legislature *as such* is no longer the only or even the dominant interaction mode. Instead, Anthony King (1976) has identified three interaction modes that co-exist with each other: an opposition mode (in which the governing party defends government policy while the opposition criticises it), an intra-party mode (in which the governing party's backbenchers voice their concerns and are disciplined by the party leadership) and a non-party mode (in which members of parliaments cease to see themselves as members of either the governing party or the opposition and instead protect citizens' rights and parliament's prerogatives *vis-à-vis* government). The mixture of these interaction modes differs across different types of parliamentary democracy, with, for example, the non-party mode being much more important in Scandinavia's consensus democracies than in a Westminster system such as in Britain.

Of course, these varieties of parliamentarianism also impact on decision-making over military missions. The need to build cross-party support for military deployments is more pronounced in consensus democracies in which minority governments are frequent, and therefore the non-party mode more prominent. Thus a parliamentary veto over military deployment has a better 'goodness of fit' with a consensus democracy than with a Westminster system. However, because deployment decisions can severely impact on the lives of citizens and the security of the country, party politics has not crowded out the non-party mode in decision-making on the use of armed force.[5] As a consequence and notwithstanding different degrees of goodness of fit in different political systems, the presence or absence of a parliamentary veto power does make a difference in legislative-executive relations. Indeed, variations in legislative-executive decision-making on military missions exist within as well as between varieties of parliamentarianism. Thus we have found a parliamentary veto power in Papua New Guinea's Westminster system and its absence in the Norwegian consensus democracy.

Ex ante veto power is thus a key tool in the hand of parliaments and a highly useful focal point for a comparison of parliamentary control powers across a large number of states. We therefore investigate for all countries and all years in the ParlCon dataset whether or not parliament had the right to veto deployments of the armed forces before troops were sent abroad, and

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[5]   Thus German Chancellor Schröder did not obtain support from all members of the majority coalition in parliament even when a motion of confidence was attached to the vote on deploying the Bundeswehr to Afghanistan in 2001.

whether this veto right extended to all military operations with, at worst, minor exceptions.[6] To establish whether parliament enjoys a veto over military deployments, we studied constitutional and legislative texts as well as actual political practice; the results of this effort are presented in the country sections below. Based on this investigation each country-year in ParlCon received one of two values: a *high* level of parliamentary control was assigned to those country-years in which parliamentary *ex ante* veto power existed, and a *low* level of control where it did not. In most cases, constitutional and legal texts were sufficiently clear or clarified by constitutional courts to come to an unambiguous decision. In a few cases, parliamentary control procedures did not exist because the country in question did not participate in multilateral operations and so the potential control powers of parliament were simply not on the agenda. This concerns some transformation states in the early years of their transition to democracy, and also Switzerland before it became possible for the government to send armed troops to international missions. These cases were coded as 'missing'. Finally, in a few cases, the question whether parliament enjoyed a veto over deployment decisions was heavily contested among the political actors involved because the constitutional and legal basis was either missing or inconclusive, and no accepted interpretation or practice had evolved. These cases, e.g. Germany before a ruling of the Constitutional Court or Italy throughout the period we studied, were classified as 'inconclusive'.

The country studies in Section 4 provide all the information that went into the ParlCon dataset. They give some background information on the political system of the country, describe the legal deployment rules and deployment practice in terms of parliamentary involvement and document the coding decision we made based on this information. The survey of the 49 countries is not only a starting point for further research utilising the data to examine individual research questions. It also provides insights into some general patterns and trends in parliamentary control powers and makes visible the variety of procedures through which democracies around the world attempt to strike a balance between ensuring the effectiveness of military deployments and their democratic legitimacy. Before we turn to the country studies, we briefly sketch those patterns.

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[6]   Clear cases of minor exceptions are provisions, e.g. in Switzerland, where parliament enjoys veto right over all deployments except when fewer than 100 soldiers are sent abroad or the deployment lasts less than three weeks; or in Ireland, where the government can autonomously decide on deployments with up to 12 soldiers.

3.   Results: Patterns and varieties of parliamentary control

The overall picture that emerges from the ParlCon dataset and the country studies on which it is based can be viewed from various angles. On the one hand, there is the broad picture. It shows that parliamentary veto power over military deployments is relatively widespread, albeit still restricted to a minority of democracies. It also shows that the rules governing parliamentary involvement in deployment decisions are relatively stable and reliable. On the other hand, there is variation beneath these broad patterns. We see a high degree of differentiation within the two groups of states. Countries vary substantially not only with respect to whether they allow parliament to veto troop deployments, but also regarding the kinds of operations to which parliamentary control applies at all and the procedures through which this control is exercised.

In the following paragraphs we summarise the main findings of our survey.

A significant minority of parliaments studied have ex ante *veto power over military missions.* Among the 49 countries we studied, 21 had institutionalised parliamentary *ex ante* veto right for at least some period of time, although four of them abolished it during the period we studied.[7] Map 2 shows the geographic distribution of countries with and without parliamentary veto right. Even though the majority of countries in the dataset never had such a veto right, it thus certainly is not a rare phenomenon and there is ample opportunity for studying it in more detail. What is probably even more important, the country reports indicate that these are not just written legal rules which do not matter in political practice. Rather, if such rules exist they are applied almost universally. Cases in which rules were contested are few and far between. Disagreement about the applicable legal rules existed only in Germany in the early 1990s, a dispute that was resolved through an authoritative ruling of the Constitutional Court; and in Italy throughout the complete period we cover. In all other cases external deployments were either not on the agenda or unambiguous decision-making rules existed. And among all these cases we could identify only one where parliamentary rights were obviously violated in practice. In 2004 the Chilean government sent troops to Haiti without asking for parliamentary approval despite legal provisions requiring parliamentary consent. In all other cases, however, deployment practice appeared to conform to legal deployment rules.

As Chart 1 demonstrates, the share of countries with *ex ante* parliamentary veto power lies between 30 per cent (in 1992 and 2004) and 38 per cent (in

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7   A list of countries with and without parliamentary veto can be found in Table A2 in the Annex.

1990 and 2000), whereas the share of countries without parliamentary war powers lies between 53 per cent (in 1990) and 65 per cent (in 2004).[8]

Chart 1: Share of democracies with and without parliamentary *ex ante* veto power
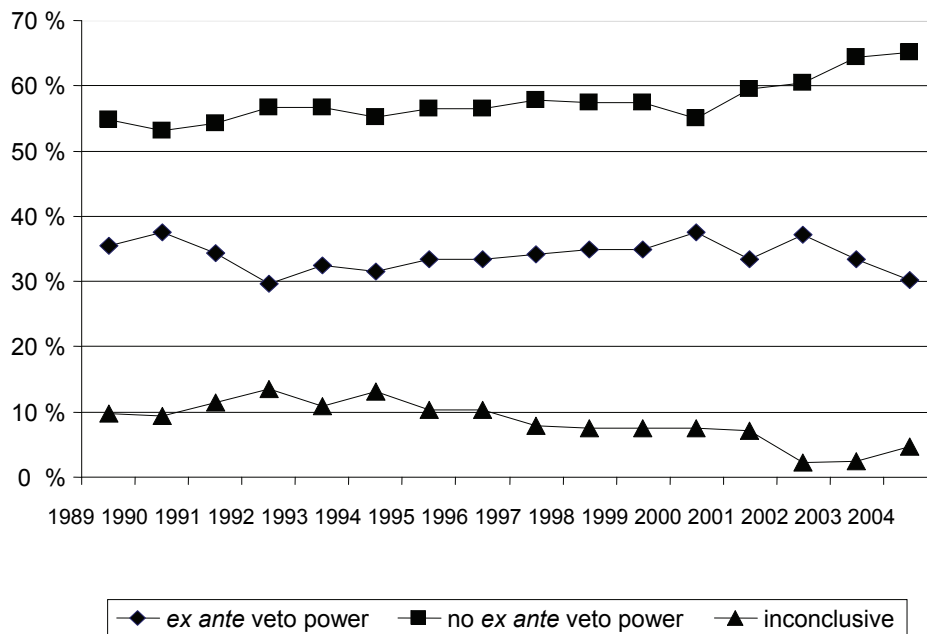
Democracies only rarely introduce or abolish parliamentary ex ante *veto powers.* The rules that allocate the authority to deploy troops are not only quite reliable, they also prove fairly stable over time. ParlCon covers a period of 16 years. A substantial change in parliament's competences, i.e. a change through which parliament gains or loses its veto right, takes place in only five states during this period, whereas they remain stable in 38, i.e. in almost 80 per cent of the states we look at. In the remaining states rules for the deployment of forces were created or clarified for the first time during the period we cover and remained stable from then on.[9] This concerns countries like Germany, where the deployment rules were contested immediately after 1989 and were clarified by a ruling of the Constitutional Court in 1994, or Mongolia and Lithuania, where external troop deployments for other purposes than self-defence were simply not on the agenda for some time;once they entered the agenda, deployment rules were promptly formulated. In these latter cases, which we may call instances of rule creation, there is no clear pattern as to whether parliaments gain veto power or not. In some instances they do, as in Lithuania and Switzerland, in some they do not, as in Mongolia and South Africa.

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[8] It should be noted that changes in these figures mainly result from countries entering and leaving the sample rather than from changes in deployment provisions.
[9] The only exception is again Chile, where formerly uncontested deployment rules were violated in 2004.

Map 2: ParlCon countries with and without parliamentary *ex ante* veto power[10]

Parliament has no ex-ante veto right
Parliament has ex-ante veto right
Not included or inconclusive
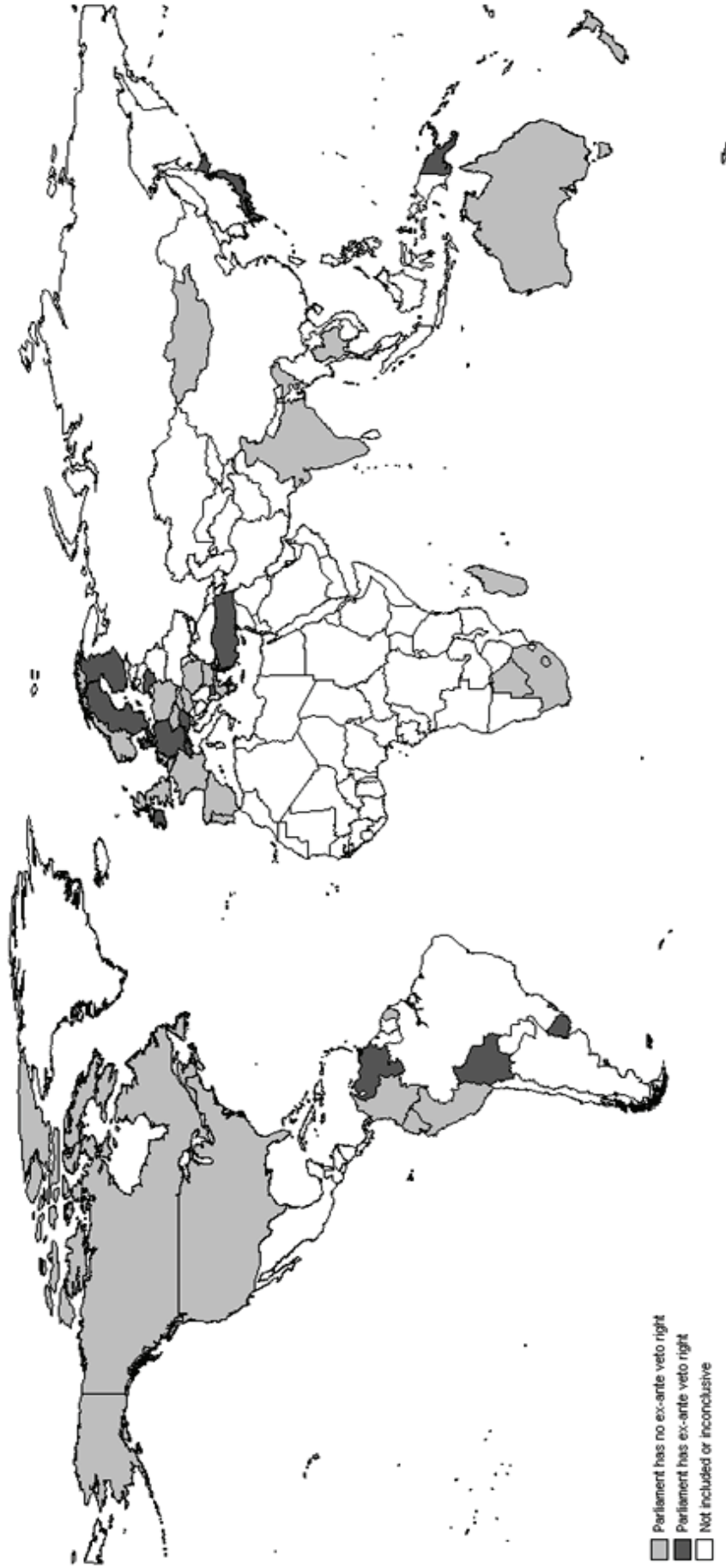
10   Parliaments' powers as of the last year in which a country appears in the ParlCon dataset.

There is no discernible trend towards a parliamentarisation of war powers. When existing rules are changed, parliaments are usually the losers. Veto powers that had been in place were abolished in four of our cases, whereas there is only a single case in which parliament received veto power when the executive had been able to decide about deployments alone before (Cyprus). This adds a caveat to Lori Damrosch's (2002: 52) thesis that there is a discernible 'trend since the Second World War of legislative involvement in decisions to authorize participation in UN military missions': since the 1990s this trends seems to be reversed, with the executive (re)gaining autonomous decision-making power over military deployments.

Several Central and Eastern European states have abolished parliamentary ex ante *veto powers in the process of NATO (North Atlantic Treaty Organization) accession.* On closer inspection, the instances of rule change display another interesting characteristic. Throughout, the cases in which veto powers were abolished concern Central and Eastern European transformation states that prepared for accession to NATO (and the EU), namely Bulgaria, the Czech Republic, Hungary and Slovakia. NATO accession apparently amplified the trade-off between creating legitimacy through procedures of *ex ante* parliamentary control and gaining efficiency through lean, executive-centred decision-making. From NATO's perspective, having the governments of some member state tied by domestic parliamentary veto power must seem highly unattractive. Arriving at unanimous decisions in the North Atlantic Council is difficult already, especially after NATO enlargement. The prospect of having domestic parliaments veto a deployment even after a decision has been arrived at in the North Atlantic Council therefore created some unease at the NATO level. In this context, some governments of Central and Eastern European states successfully initiated changes in their domestic deployment rules. The result was that, in these states, NATO missions or other missions carried out within an international framework were exempted from parliamentary veto. As most military operations that are carried out nowadays are multilateral operations within such a framework, in practice this implied the abolition of the parliamentary veto.

The definite cause of the rule changes in those four Central and Eastern European states can only be established by individual case study research. They may be attributable to pressure from the NATO level. Alternatively, national governments may have taken advantage of a rare window of opportunity to enhance their freedom from parliamentary control at home. Or, perhaps, the changes were due to some altogether different mechanism. But the ParlCon dataset helps to discover such puzzling patterns and identify cases for comparison that can be used in further research.

The country studies, however, show more than the broad patterns of reliability and stability in the deployment rules. They also demonstrate the variety of ways in which states approach the core problem of formulating deployment rules: the trade-off between providing maximum democratic control and ensuring flexibility in the use of the armed forces. Taking a closer look at the deployment rules in all countries, it becomes clear that both the complete exclusion of parliament from decision-making over military deployments and full-blown parliamentary veto over all military operations are only two extreme cases; in between there is a wealth of different forms of parliamentary inclusion. Two basic dimensions of variation stand out. The *kind* of parliamentary involvement may vary, i.e. what kind of competences parliament has at what stage of the decision-making process; and also the *scope* of parliamentary competences may vary, i.e. the types of operations in which parliament can become involved.

Deployment law almost universally distinguishes between different kinds of military deployments and often differentiates parliamentary rights accordingly. The most basic distinction is that between war and other operations. It is interesting to note that in several countries parliament has the right to declare (a state of) war but is not empowered to decide on any other use of the armed forces. The list of states concerned includes countries as varied as Australia, Colombia, Mongolia, Peru, Poland, Portugal, Slovenia, Spain and Thailand. In times when declarations of war were the prime prerequisite for any military operation, such a provision gave parliament a key role in authorising the use of the armed forces. Yet the nature of military operations has changed much since the Second World War, and in particular since 1989, and inter-state war is no longer the major field of activity for most democracies' armed forces. Moreover, 'war' as a legitimate institution in international law that countries were free to declare has been progressively abolished in the aftermath of two World Wars (Neff, 2005). Constitutions have not been amended everywhere to accommodate these developments. In the countries listed above, parliamentary veto has lost almost all of its significance.[11]

More recently, an increasing number of constitutions and deployment laws distinguish between military operations that result from international treaty obligations and other operations. One may argue that operations based on a mandate of an international organisation have greater legitimacy and the armed forces are in less danger of being misused by the executive. This rationale is reflected in many deployment laws and has one of two consequences. In one group of countries, operations resulting from international treaty obligations are the only operations in which the armed forces may participate at all, regardless of parliamentary involvement. In a

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[11] Therefore we code them as cases with a *low* level of parliamentary control.

second group of countries, the armed forces may participate in other kinds of operations as well, yet for missions based on international treaties the requirements for domestic legitimation are reduced. In these countries, parliamentary approval is needed only for operations that are not based on an international mandate.

The former group includes, among others, the neutral European countries. In Ireland's 'triple-lock' system, for example, a UN mandate is the first requirement for any military operation (government's and parliament's consent providing the keys to the second and third locks). In Austria troops may only be deployed on request of the UN, the EU or the OSCE. The Finnish armed forces could only participate in traditional UN peacekeeping operations before that scope was increasingly extended in the 1990s and 2000s to include OSCE-mandated action, UN peace-support operations in a wider sense and, today, basically any military operation mandated by an international organisation. But there are also non-neutral countries in this group. The Canadian National Defence Act, for instance, stipulates that Canadian forces may only be activated for non-defensive purposes to participate in missions under the UN Charter or within NATO or similar organisations.

The second group of countries uses the distinction between internationally mandated operations and others to exempt the former from the requirement of parliamentary consent. In Hungary, for example, parliament enjoys a general veto right over military deployments, yet parliamentary approval is not needed if troops are deployed to NATO or EU missions. Similar exceptions exist in many Central and Eastern European states, as in Bulgaria, the Czech Republic, Romania and Slovakia. These are exceptions of major importance, as they exempt probably the largest proportion of operations in which these countries participate from parliamentary veto, and hence significantly devalue the institution of parliamentary *ex ante* control.[12]

Some democracies exempt minor deployments from parliamentary war powers. Exemptions from a general rule of parliamentary veto exist in other countries as well, but are less broad. Rather, they explicitly concern only cases of minor importance or cases which are highly unlikely to be contentious. Macedonia, for example, exempts humanitarian operations, and Sweden traditional peacekeeping operations. In Germany a new law passed in 2005 exempts rescue operations from the requirement of parliamentary consent and provides for a simplified procedure in the case of minor operations. In Switzerland parliamentary approval is not required for deployments of fewer than 100 soldiers and a duration of less than three

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[12] Once again, we code them as countries with a *low* level of parliamentary control.

weeks; in Ireland for deployments with 12 soldiers or less. Some countries also provide for emergency procedures through which they enable the government to deploy troops rapidly without consulting parliament in cases of particular urgency. Usually, parliamentary approval has then to be given *ex post* or else the troops have to be called back within a certain timeframe. Such provisions exist for example in Austria (two weeks' timeframe), and for certain operations in Japan (20 days), the Czech Republic and Slovakia (both 60 days).

Some parliaments that do not possess a veto power are consulted before armed forces are deployed. Variation also exists among those states which do not provide for any form of parliamentary *ex ante* veto. Not all these states completely exclude parliament from the decision-making process. To begin with, the executive of course is free to turn to parliament and ask for approval for any planned mission. This is frequently done by governments in order to increase the legitimacy of military operations and ensure that the effectiveness of an operation cannot be undermined by parliamentary opposition to the deployment. This may, in certain cases, give parliamentarians some influence on the operation. But when the involvement of parliament is exclusively at the government's discretion, there is a very fine line between meaningful consultation with parliament and the goal of simply having executive decisions rubberstamped.

Some countries, however, go further and formalise the involvement of parliament without giving it actual veto power. This can be achieved by requiring government to consult with parliament over military deployments, and such consultation procedures may take a wide variety of forms. In some countries government must inform parliament about deployment decisions but only after the deployment has been made. Having to notify parliament immediately (Poland), without undue delay (Slovakia), if it is assembled (Ecuador) or within five or seven days (Romania, Canada and South Africa) ensures that the armed forces cannot be sent abroad secretly. Yet it will not do much to increase parliamentary leverage over deployment decisions.

In some democracies, individual parliamentarians rather than the whole parliament are involved in decision-making before the deployment decision is made. In Portugal, for example, members of parliament are represented in the Superior Council of National Defence. Although the council does not have decision-making competences on troop deployments and is, moreover, dominated by the executive, it may nonetheless provide parliamentarians with a formal channel to influence government decisions at an early stage. In Mongolia the speaker of parliament is a member of the National Security Council. The National Security Council, in turn, makes the deployment decision unanimously, so some representation of parliament in decision-

making is guaranteed without giving parliament as such a full-blown veto opportunity.

Finally, in some countries not just single MPs but parliament as a whole needs to be consulted before a deployment decision is made. This system may ultimately even evolve into a practice of giving parliament the final say over troop deployments. Such consultation requirements exist for example in the Netherlands.

Looking at all these variations beneath the level of broad classifications, it is obvious that parliamentary control rights can be conceived as a continuum, delimited by two extreme points. At one extreme, parliaments have no say whatsoever in any deployment decision. At the other end of the spectrum parliamentary consent is required for all operations. In between these two extremes is a dazzling range of options giving parliaments a more or less tightly institutionalised consultative role or a say in an increasingly large set of military operations. The ParlCon dataset uses one point on this continuum to distinguish two broad classes of countries. This is arguably the most important point on the spectrum, as it distinguishes those countries in which parliaments possess the strongest possible tool for affecting the use of the armed forces, ex ante veto power over the most prevalent forms of military deployment, from those in which parliament has to do without this tool. Despite all variations, this distinction matters tremendously for the potential influence of parliament on deployment decisions. It is therefore useful for gaining an overview of general patterns and a helpful starting point for further research investigating patterns, causes and effects of parliamentary control procedures. In addition, the country studies that follow offer a more differentiated picture and thus help to locate single countries on this overall spectrum.

4.   Country studies

4.1   Australia, 1989-2004

The political system of Australia is built on the model of the British Westminster system, as is the case in most other former British colonies.[13] The British Queen is formally still the head of state and represented by the governor-general. However, the roles of the Queen and her representative are of a symbolic nature only and it is the prime minister and the foreign minister who are the relevant actors in the foreign policy domain. Parliament comprises the House of Representatives with 150 members and the Senate, which has 76 members. Both chambers are elected for three years by citizens, who are subject to compulsory voting. The executive power rests in the hand of the prime minister and the cabinet, who depend on the confidence of the House of Representatives (Marshall and Jaggers, 2007a). On the other hand, the governor-general may dissolve parliament if both chambers do not reach consensus concerning the passage of a bill.[14]

The governor-general is the commander-in-chief of the naval and military forces (Constitution of Australia, article 68). Concerning the powers of the legislative bodies in military affairs, article 51(vi) of the Australian constitution states that

> The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to... (vi) The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth.

While the constitution thus grants parliament the power to make laws concerning the armed forces, parliament has not yet used this to pass a distinct deployment law which would spell out the competences of the different political institutions in sending troops abroad. Nor does the constitution contain any specific provision to delegate competences for the deployment of the armed forces to the legislature.

In keeping with the British tradition, and even though there is no explicit delegation of deployment powers to government in the constitution (Lindell, 2003: 23), in Australian political practice the deployment of the armed forces is considered to be the executive's prerogative. Consequently the power to deploy troops 'may be exercised without parliamentary approval' (ibid.). Decision-making on the Iraq war illustrates this. Immediately after a cabinet decision to participate in the war in 2003, Prime Minister Howard announced the involvement of Australian forces at a press conference.

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[13]   Australia has a Polity score of 10 from 1989 to 2004.
[14]   This procedure may only be invoked if the next planned elections are more than six months away.

Parliament was asked to endorse this decision later on, yet the government was explicit that parliament's approval was not necessary for the actual deployment of troops.[15]

The Australian Defence Force has participated in many peacekeeping operations, e.g. in East Timor (INTERFET), Kiribati (Operation Kiribati Assist) and Pakistan (Operation Pakistan Assist). Currently, Australian soldiers are stationed in East Timor (UNMIT), Sudan (UNMIS) and Afghanistan (ISAF).[16]

Since the deployment of armed forces abroad is part of the executive's prerogative and parliamentary approval is not needed for deployments, we consider Australia to be a country in which a parliamentary *ex ante* veto is *absent*.

4.2 Austria, 1989-2004

After the Second World War and occupation by the four victorious powers, Austria gained sovereignty again in 1955, claiming a status of 'perpetual neutrality' in security affairs.[17] Non-alignment remained intact after 1989, although the possibility of NATO membership was repeatedly discussed within Austria. Nonetheless, the country is a frequent contributor to multinational peace-support and humanitarian missions.

Austria has a bicameral parliament in which the first chamber, the *Nationalrat*, possesses the prime responsibility for federal legislation. The *Bundesrat*, as the second chamber, represents the Austrian federal states and may influence the legislation of the *Nationalrat*, but can in most cases only delay it (Müller, 2004: 223). The chancellor and cabinet ministers are appointed by the federal president, who is directly elected. Neither the chancellor nor his/her ministers depend on a parliamentary vote of investiture. Nonetheless, they need the support of parliament as they can be ejected from office by a vote of no confidence by the *Nationalrat* (ibid.: 235).

In security affairs parliament has considerable influence, executed primarily through the *Nationalrat*'s 'main committee' (*Hauptausschuss*). Overall, the key guidelines for the deployment of forces have remained unchanged since the 173rd Federal Constitutional Law on the deployment of Austrian military units for support missions abroad at the request of international organisations, established in 1965 (*Bundesverfassungsgesetz* 173). Since then

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[15] See 'Locked in for war: Senate snubs Howard's call to arms', *Sydney Morning Herald*, 19 March 2003, p. 3.
[16] For an overview of the missions of the Australian Defence Force see
www.defence.gov.au/opEx/global/index.htm (accessed 19 January 2009).
[17] Throughout the period covered by our research, Austria has a Polity score of 10.

troops of the Austrian armed forces as well as police and gendarmes have been deployed only with the consent of the *Nationalrat*'s main committee (Hauser, 2009: 1–2). Paragraph 1 of the 1965 law states that members of the Austrian Defence Force may only be deployed if an international organisation so requests and if the main committee of parliament agrees on such a decision.

The main committee is composed of 32 parliamentarians. As its members are proportionally elected by the members of the *Nationalrat*, its composition mirrors that of the *Nationalrat* (Dieterich et al., 2010). As its name suggests, the main committee is of central importance and possesses considerable competences, including powers to deal with EU affairs. When the 1989–1990 changes in the international security environment prompted the government to propose a new law to replace the 1965 law, the main committee retained its central position. According to the Federal Constitutional Law on cooperation and solidarity during the deployment of troops and single soldiers abroad, which entered into force in April 1997, single persons or units can only be sent abroad on request of the UN, the OSCE or the EU (ibid.), and only in certain cases.[18] These include measures for peacekeeping, humanitarian aid and disaster relief. In these cases it is the right of the main committee to decide on the deployment of military troops (*Bundesverfassungsgesetz* 38). The 1997 law, however, includes a new emergency clause,. If the particular urgency of a situation requires immediate deployment, the federal chancellor, the federal minister for foreign affairs and every federal minister whose competences are concerned can together decide unanimously on the deployment of troops. If they decide to do so, the government and the parliament's main committee have to be informed immediately. The main committee can then raise objections within two weeks. If this happens, the mission has to be cancelled (ibid., para. 2(5)).[19]

The Austrian Defence Force has taken part in many peacekeeping and humanitarian missions. Since 1960 more than 70,000 Austrian soldiers and civil assistants have worked for over 50 international peace-support and humanitarian operations.[20] Austrian soldiers are for example participating in the EUFOR Althea mission in Bosnia, the KFOR mission in Kosovo, the EUFOR mission in Chad and the UNDOF mission on the Golan Heights.[21] As stipulated by the legal rules, political practice gives the *Nationalrat*'s main committee the final say over the deployment of Austrian forces to such missions. In 2005, for instance, the main committee decided on the extension

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[18]   The enumeration of cases in the law confirms the fact that 'Austrian armed forces... do abstain from engaging in the use of force within ad hoc coalitions of the willing' (Dieterich et al., 2008: 4).

[19]   Austrian troops can also be sent abroad for tracing and rescue services or for the purpose of exercises and training (Bundesverfassungsgesetz 38, para. 1(1f.)), which we consider cases of minor importance. In these cases the 1997 law does not provide for a parliamentary veto.

[20]   See www.bmlv.gv.at/ausle/inter_rolle.shtml (accessed 14 December 2008).

[21]   See www.bmlv.gv.at/ausle/index.shtml (accessed 14 December 2008).

of the UNDOF mission on the Golan Heights and on sending observers to the UNOMIG mission in Georgia.[22]

Coding Austria for ParlCon raises the problem of how to assess the role of committees. On the one hand, prior parliamentary approval (of the main committee) is required before the Austrian Defence Force can be deployed abroad. On the other hand, this consent is only given by a small group of parliamentarians and not by the entire assembly. This also implies that decisions receive much less publicity than decisions made by the plenary. Nonetheless, we would argue that the main committee is unlikely to make decisions which would conflict with what the plenary would have decided. The fact that the composition of the committee reflects that of the plenary is of major importance here. Moreover, the need for the Austrian government to gain the consensus of a key parliamentary committee is arguably comparable to the need to ask for the plenary's consent. Although we see that it is difficult to make a clear-cut coding decision here, we would argue that, on balance, Austria is a case in which parliamentary *ex ante* approval is *present*.[23]

4.3   Belgium, 1989-2004

Belgium is characterised by many regional and cultural identities. The country consists of three regions and three communities (Flemish, French and German). In the first half of the 1990s, a major constitutional reform was implemented to transform the state from a unitary nation to a carefully balanced federal nation (De Winter and Dumont, 2004: 253).[24] Regions and communities are represented in different and complex ways in the two chambers of the Belgian parliament, the House of Representatives and the Senate. These two chambers exert federal legislative power together. Through this constitutional reform the House of Representatives gained somewhat stronger powers *vis-à-vis* government than the Senate, in that the House of Representatives elects government (by giving a positive investiture vote to the government that is appointed by the King) and may vote it out of office.[25] The government may dissolve both houses of parliament, but only if backed by a majority vote in the House of Representatives.[26]

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[22]   See www.parlament.gv.at/PG/PR/JAHR_2005/PK0880/PK0880.shtml (accessed 14 December 2008).
[23]   This coding concurs with the findings by Dieterich et al. (2010), who conclude that parliamentary war powers in Austria are 'comprehensive'.
[24]   Belgium has a Polity score of 10 from 1989 to 2004. These constitutional changes were agreed in 1993 and implemented in 1995 after general elections.
[25]   Until 1995 these votes had to be taken in both houses of parliament (De Winter and Dumont, 2004: 258-259).
[26]   Until 1995 government could dissolve parliament at any time.

The power to send the armed forces abroad, however, is held exclusively by the executive. The first Belgian constitution of 1831 posited that:

> the King commands the land and naval forces, declares war and concludes peace treaties, alliance treaties and trade agreements. He notifies the Chambers as soon as State interests and security permit and he adds those messages deemed appropriate.

This provision survived various constitutional reforms unmodified. On the occasion of the 1993 constitutional reform the article was rephrased slightly, yet without changing the overall substance of the provision (van Damme, 2005: 9). The new wording reflects that war is no longer legitimate in international law and can thus no longer be declared, even though its state can be determined. Also, 'land and naval forces' were replaced by 'armed forces' (*Krijgsmacht*) to acknowledge its application to the air force. The current wording reads:

> The King commands the armed forces, and determines the state of war and the cessation of hostilities. He notifies the Chambers as soon as State interests and security permit and he adds those messages deemed appropriate. (Constitution of Belgium, article 167, s. 1, lit. 2).

It is important to note that in practice it is the government that acts on behalf of the King when decisions are made on the deployment of troops. According to Pierre d'Argent (2003: 186), it is 'indeed the Council of Ministers, by consensus and without formal royal approval, that decides on the use of armed forces' (cf. also Dieterich et al., 2008: 39). Thus the government has considerable power concerning the delegation of military missions abroad and the parliament has no formal influence on decision-making (Schmidt-Radefeldt, 2005: 9; cf. also Born and Urscheler, 2004: 63; Born and Hänggi, 2005: 206). This is, of course, not to say that the government makes its decisions in a political vacuum. Belgian governments are composed of Wallonian and Flanderian representatives and, due to the consociational political culture, most government decisions are taken by consensus. As Marc Houben (2005: 43) has pointed out, the 'dominant mechanism for accountability and evaluation runs via the political parties. That is where ministers are scrutinised and the "political bill" will be made up.'

If one considers the practice of military deployments in Belgium, it is very clear that parliament itself only plays a marginal role. According to Houben (ibid.), parliament's involvement in deployment decisions was low in the 1991 Gulf War, UNOSOM, UNAMIR, KFOR/SFOR and ISAF, and non-existent in UNPROFOR and Operation Allied Force. Similarly, Anghel et al. (2008: 56) found that Belgian participation in the EU military operations Althea and EUFOR DRC was debated but not formally approved by parliament. In only one case did parliament have crucial influence on the

deployment of Belgian troops: the Belgian contribution to the MONUC mission in Congo depended on the decision of the Rwanda Commission, which had been tasked with examining the deaths of Belgian soldiers in Rwanda (Houben, 2005: 53). Overall, then, *ex ante* veto power must be considered to be *absent* in Belgium, a coding that is also confirmed by Dieterich et al. (2010).

4.4 Bolivia, 1989-2002

The history of Bolivia in the twentieth century has been marked by domestic conflict and intermittent phases of democratic and military rule. After the military last retreated from power in 1981, Bolivia went through a difficult period of democratic transformation, in which domestic conflict cooled down only after the end of the first democratic government in 1985. Instability began to increase again in the late 1990s, and especially after the elections of 2001 Bolivia was again characterised by escalating internal conflicts. Consequently, Bolivia is in our sample only up to 2002, as after that year its Polity score decreased from 9 to 8, i.e. to the same value it had from 1982 to 1984.

The current Bolivian constitution was established in 1967. Constitutional reform began after the return to democracy in 1982, but major adjustments were achieved only in 1994 and 2004. Like most states of South America, Bolivia has a presidential political system: government is headed by a directly elected president who also appoints and dismisses ministers. The government faces a bicameral parliament, the National Congress, composed of the Chamber of Deputies (*Cámera de Diputados*) and the Senate (*Cámera de Senadores*). Both houses share legislative competences. If no presidential candidate achieves an absolute majority in the first round of elections, the National Congress elects the president from the two candidates who received the largest share of the popular vote (Jost, 2008).

As regards the deployment of military forces abroad, the National Congress plays an important role in decision-making. Its competences are laid down in the Bolivian constitution, and were already contained therein in 1967. The president can declare war only with the consent of the Congress (Constitution of Bolivia, article 68(7)). Moreover, parliament authorises the deployment of troops abroad and determines the period of their mission(article 59(16)). Thus prior parliamentary approval is necessary for any kind of troop deployment, including multilateral operations.

Bolivian troops have participated in several operations abroad, e.g. in the UN MONUC mission to the DRC since 1998 and the MINUSTAH mission

in Haiti since 2004 (RESDAL/SER, 2007). For both missions, Congress approved the dispatch of troops. Parliament has regularly approved these deployments, and voted on the extension of the MONUC deployment on 22 December 2006 and of the MINUSTAH deployment on 17 May 2007 (Weber, 2008). As the Bolivian constitution requires such approval for any troop deployment abroad, we classify Bolivia as a country in which *ex ante* veto power is *present*.

4.5 Botswana, 1997-2004[27]

After its independence in 1966, Botswana established a bicameral parliament with the National Assembly and the House of Chiefs as the two chambers. While the National Assembly deals with the deliberation and passing of laws, the approval of taxes and the budget, the House of Chiefs has only an advisory role on matters that relate to the country's tribes (Holm, 1988: 186; Harvey and Lewis, 1990: 20). The National Assembly elects the president, who acts as head of government and is the central figure in the executive. While the president may dissolve the National Assembly, the National Assembly may vote the president out of office.[28] The president also appoints the vice-president, ministers and assistant ministers. The ministers themselves are collectively responsible to parliament (Maundeni et al., 2006: 11–13). Botswana is present in our dataset from 1997 onwards, because only from this time on does the country reach a Polity score of 9.[29]

Botswana's army, the Botswana Defence Force (BDF), was established more than a decade after the country's independence, in April 1977 (Molomo, 2001: 6). The Botswanian president has an extraordinarily strong role in controlling the BDF. The Botswana Defence Force Act 1977, which established the BDF, does not provide for a special ministry, nor does it delegate any role in the use of the armed forces to Botswana's parliament. Rather, it delegates political authority over the armed forces solely to the president's office. The president acts as the BDF's supreme commander and may decide on the deployment of the armed forces. The latter is explicitly laid down in Botswana's constitution, according to which the presidential powers include 'the power to determine the operational use of the armed forces' (Constitution of Botswana, section 48(2)). Overall, then, the president may deploy troops in whole or in part without consulting any other body (von Soest, 2008a: 2).

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[27] This section draws on von Soest (2008a).
[28] This can happen if 'it appears as a result of the voting on that question that the President does not enjoy the support of a majority of the Elected Members of the Assembly, the office of President shall become vacant' (Constitution of Botswana, section 32(8)).
[29] From 1987 to 1996 Botswana scores 8 on the Polity scale.

The only way for parliament to influence military deployments is via budget allocations. However, oversight via budgetary measures is hampered especially by a lack of information. The National Security Act of 1986 prohibits government from disclosing any information concerning national security (Henk, 2004: 4, quoted in von Soest, 2008a: 2).[30] The few channels of information that do exist – basically consisting of two parliamentary committees which regularly receive information about the BDF – do not translate into instruments for meaningful parliamentary oversight (Molomo, 2001: 13; Malebeswa, 2002: 73). The large parliamentary majorities which the ruling Botswana Democratic Party usually enjoys make it further difficult to establish independent parliamentary oversight. It does not come as a surprise, then, that media reports criticise 'minimal scrutiny of defence issues' in Botswana (Molefhe, 2008).

The problems of parliamentary control become obvious in actual BDF deployments. Since 1989 Botswanian troops have participated in numerous international operations, e.g. in a humanitarian US-led relief operation in Somalia between 1992 and 1994 and in an UN peacekeeping mission in Mozambique in 1993 (von Soest, 2008a: 3).[31] In 1998 the BDF participated in a highly controversial intervention by the Southern African Development Community in Lesotho. The deployment decision was made exclusively at the level of the executive without any consultation or involvement of parliament, and resulted in public criticism of the president and (unsuccessful) calls for a stronger involvement of parliament (Molomo, 2001: 11). The problems of parliamentary oversight were highlighted once more in October 2007, when a BDF officer, Major Gaolathle Tiro, died in a surprise attack by rebels at a military base in southern Sudan. Since there was no official BDF deployment to Sudan at the time, accusations came up that government had secretly sent troops to the country without informing parliament or the public (Gabathuse, 2007).

Obviously, then, the Botswanian executive and especially the president enjoy a very strong position. A parliamentary *ex ante* veto power is *absent*.

4.6   Bulgaria, 2001-2004[32]

After the end of the Cold War, Bulgaria established a political system that combined elements of parliamentary and presidential systems. The president, as head of state, is directly elected but depends on the support of the

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[30]   Further restrictive legal provisions are the Official Secrets Act and the Security and Intelligence Act (Molefhe, 2008).
[31]   Military personnel have also been sent to Rwanda (BDF observer team), South Africa (1994) and Lesotho (1998–1999).
[32]   This section draws on Gelev (2008).

parliament, the National Assembly, which may remove him or her from office. The president appoints a prime minister, but is largely bound to proposals from the parliamentary majority. Parliament may also dismiss the prime minister through a vote of no confidence (Riedel, 2002: 566ff). As Bulgaria's transition to democracy was less smooth than that of other Central and Eastern European countries, it receives a score of 9 only after 2001 in the Polity IV database and thus is part of our dataset only from that year on.

According to the Bulgarian constitution, established in 1991, the National Assembly has the power to decide over the deployment of troops. Article 84(11) stipulates that parliament needs to 'approve any deployment and use of Bulgarian armed forces outside the country's borders, and the deployment of foreign troops on the territory of the country or their crossing of that territory'. All international instruments of a military nature must be ratified or denounced by law, and thus by the National Assembly (article 85(1)). These constitutional provisions have not been amended since 1991, but their interpretation has undergone an important evolution. Article 84(11) has been interpreted four times by the Bulgarian Constitutional Court (in 1994, 1995, 1999 and 2003 – Gelev, 2008: 1). The earlier decisions of the court (1994 and 1995) specified that each individual entry of foreign troops or deployment of Bulgarian troops had to be approved by the National Assembly. With the beginning of its Kosovo campaign in 1999, NATO requested access to Bulgarian airspace for an unspecified duration. The Constitutional Court's 1995 decision suggested that a single vote of the National Assembly would not be enough to give NATO permission to use Bulgarian airspace, and instead every entry of NATO aircraft would demand an authorisation. As this appeared impracticable, the Council of Ministers turned to the Constitutional Court again and the court ruled that a one-off authorisation by the National Assembly would suffice. Parliament then passed a positive vote on NATO's request (ibid.: 2).

In 2003 the Constitutional Court took a fourth decision to clarify the legal situation further.[33] Before the official invitation for Bulgaria to join NATO, President Parvanov argued it was necessary to 'clear any doubt'[34] about the meaning of article 84(11) of the Bulgarian constitution. In the context of NATO accession, the government searched for ways to make it easier to send Bulgarian troops to NATO missions and give NATO allies access to Bulgarian territory. If necessary, Parvanov was ready to propose a modification of the constitutional text to make article 84(11) applicable only to non-NATO operations by adding the words 'except in cases where the

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[33] On this episode, see Gelev (2008: 2-5).
[34] See speech of President Parvanov (in Bulgarian) at www.president.bg/zakonod.php?id=572&st=0 (accessed 20 December 2008; translation by Filip Gelev).

Republic of Bulgaria is a party to international treaties and fulfils the obligation specified in them' (ibid.). In 2003 the Constitutional Court decided that no changes would be necessary and article 84(11) of the constitution would not apply to obligations under an international treaty that had been ratified, promulgated and become effective in the Republic of Bulgaria. Consequently, there would be no need to get the National Assembly's permission for deployments if they were derived from international treaty obligations.

Thus the judicial interpretation of Bulgaria's deployment law changed significantly over the years. The Constitutional Court's final decision of 2003 was especially important in modifying the practice of parliamentary control by delegating the power to deploy troops to the executive for operations in which Bulgaria participates on the basis of international treaties.[35] Effectively this implies that the Bulgarian government can send troops at least to NATO and EU-led operations without explicit parliamentary consent. Therefore we code Bulgaria as a country in which *ex ante* veto power is *absent* since this decision (2003) and *present* before.

4.7   Canada, 1989-2004

Canada's Westminster-type political system[36] reflects the country's history as a former part of the British Empire. The government is headed by the prime minister, who is accountable to parliament. Formally, the head of state is the British monarch, represented by the Canadian governor-general, who has basically ceremonial competences. In contrast to the traditional Westminster model, however, the Canadian system adds a federal component as the country is divided into ten provinces and three territories. The Canadian parliament consists of two chambers, the House of Commons and the Senate, and the latter was originally considered as the representation of the regions. Since the governor-general appoints the Senate members (on the prime minister's recommendations), the chamber has been criticised as having a weak democratic legitimation (Brede and Schultze, 2008: 322).

Although Canada acquired its sovereignty in foreign affairs in 1931, the power to amend the constitution was given to parliament only with the Constitution Act 1982. Only since then can the Canadian parliament decide

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[35]   In 2005 parliament passed the Act on Commitment and Employment of Bulgarian Armed Forces Outside the Territory of the Republic of Bulgaria, which regulates the competences of the Council of Ministers and parliament concerning troop deployments. It is inaccord with the Constitutional Court's ruling, and distinguishes between operations arising from international treaty obligations, which lie in the sphere of competence of the government, and other operations 'of a politico-military nature' (article 10) on which the National Assembly decides. The defence minister can decide on more technical deployments (not of a politico-military nature) of a small scope (see Gelev, 2008: 5-7).

[36]   Canada has a value of 10 on the Polity scale for the period from 1989 to 2004.

in complete autonomy from British institutions on changes in the constitution (ibid.: 318). The command of the armed forces is formally vested in the Queen and exercised by the federal cabinet, and thus ultimately by the prime minister (Dewing and McDonald, 2004: 1–2). According to the Canadian constitution, the government is not obliged to seek approval from parliament for the deployment of troops or declarations of war (Hampson, 2003: 128).

The National Defence Act, as the major piece of legislation, stipulates:

> (1) The Governor in Council may place the Canadian Forces or any component, unit or other element thereof or any officer or non-commissioned member thereof on active service anywhere in or beyond Canada at any time when it appears advisable to do so
>
> *(a)* by reason of an emergency, for the defence of Canada;
>
> *(b)* in consequence of any action undertaken by Canada under the United Nations Charter; or
>
> *(c)* in consequence of any action undertaken by Canada under the North Atlantic Treaty, the North American Aerospace Defence Command Agreement or any other similar instrument to which Canada is a party. (National Defence Act, section 31)

If Canadian forces are put on 'active service', it is important to note that the Governor in Council – that is the cabinet[37] – is obliged to call for a meeting of parliament within seven days. There is neither a specification of what should happen in or after this meeting nor any definition of what 'active service' means (Hampson, 2003: 129). Nonetheless, this requirement can be viewed as providing an opportunity for members of parliament (MPs) to challenge government, and thus reinforces the cabinet's accountability to parliament (Dewing and McDonald, 2004: 3) without giving parliament veto power over military deployments.

Canada has participated in many peacekeeping, monitoring and observation missions.[38] Although government was not obliged to ask parliament for approval of such deployments, actual practice has ranged from no involvement and consultation of parliament to a full debate and vote about peacekeeping and enforcement action within the UN and NATO. In 1950, for example, when Canada decided to send military personnel and equipment to help South Korea during the Korean War, parliament held a debate but was not integrated into the decision-making process by the cabinet (ibid.: iv–v). Prime Minister Louis St Laurent explicitly stated in the House of

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[37] See Dewing and McDonald (2004: 2).

[38] For an overview of the current operations see www.comfec-cefcom.forces.gc.ca/pa-ap/ops/index-eng.asp (accessed 20 December 2008); for past operations see www.comfec-cefcom.forces.gc.ca/pa-ap/ops/pastops-eng.asp (accessed 20 December 2008).

Commons that there was 'no specific action required by parliament in the form of an affirmative decision' (Rossignol, 1992: 14). In contrast, parliamentary approval was considered desirable for participation in the Gulf War in 1991. In October and November 1990 the House of Commons passed several motions in support of UN Security Council resolutions. In January 1991 Prime Minister Brian Mulroney asked the House of Commons to reaffirm Canadian support for the UN (Dewing and McDonald, 2004: vi) and parliament backed government policy by a vote of 217 to 47.

Overall, however, and although parliament had a say in some specific cases, government can legally deploy troops without taking into account parliament's view. Therefore we code Canada as a country in which *ex ante* veto power is *absent*.

4.8   Chile, 2000-2004

Constitutional history in Chile has been quite complex in the past three decades or so. In 1980, during the military regime established under Augusto Pinochet in 1973, a new constitution was adopted through a pseudo-democratic plebiscite controlled by the military (Rinke, 2008: 145). Pinochet stayed in office until 1989, when the Chilean people voted in a national referendum for free elections of the president. In July of the same year 54 amendments to the 1980 constitution were passed, and entered into force in 1990. During the 1990s another 16 constitutional changes were enacted. Chile's Polity score moved beyond the threshold value of 9 for inclusion in our sample in 2000. After yet another constitutional reform in 2004/2005, President Ricardo Lugos argued that the process of democratic transition had been successfully completed.

The basic structure of the 1980 constitution, however, has remained in place throughout. Executive power is focused in the president, who appoints and dismisses ministers and the supreme commanders of the armed forces. The president, moreover, holds considerable power concerning the legislation of financial policy and the budget. The parliament (*Congreso Nacional*) consists of two chambers, the Chamber of Deputies (*Cámera de Deputados*) and the Sentate (*Senado*). The Chamber of Deputies has 120 members who are elected for four years. The Senate's 48 members were appointed by the High Court, the president and the National Security Council until 2005, and have been directly elected since then. The president may be dismissed from office a a two-thirds majority of the Senate.

Despite the president's strong position, military deployments are not in his or her exclusive sphere of competence. The president needs parliamentary

authorisation to declare war (Constitution of the Republic of Chile, article 32(21)).[39] Moreover, the deployment of troops abroad in general is a 'matter of law', as article 60(13) of the constitution stipulates.[40] This provision was specified in 1991, when parliament passed Bill 19.067 which explicitly states that the deployment of troops abroad needs parliamentary consent and presidential decisions in this respect have to be confirmed by the Senate (see Patillo and Izquierdo, 2004).

Chile has participated in more than ten UN missions under this legal framework since 1992 (ibid.). During the 1990s the Chilean government stepped up the country's participation in multilateral operations, and signed a memorandum of understanding to join the UN Stand-by Arrangements in 1999 (Canihuante, 2004: 345).

While parliamentary competences appear to have been largely uncontested during this period, Chilean participation in the MINUSTAH mission in Haiti in 2004 proved to be a notable exception from this rule. The government under President Ricardo Lugos deployed more than 300 troops to that mission without asking for prior parliamentary consent (ibid.: 349). This sidelining of the Senate met with considerable protest from MPs. Government members attempted to justify the deployment by pointing to the unanimous UN Security Council mandate of the mission and Chile's membership in the Friends of Haiti Group within the Organization of American States (OAS), yet failed to gain acceptance of their move by the parliamentarians concerned. As a consequence, the government's attitude towards parliamentary involvement in the mission appears to have changed. When the mission was extended for another six months in May 2006, President Michelle Bachelet went to the Senate to ask for approval. Moreover, on 15 January 2008 the Senate modified Bill 19.067 by further specifying the competences of the president and the Senate in cases of deployment of Chilean soldiers to UN missions.[41]

We classify Chile as a country in which *ex ante* veto power is *present* until 2003. However, the decision of the Lugos government in 2004 to participate in MINUSTAH without prior parliamentary approval challenged the previous consensus between executive and legislature. As a consequence, no shared interpretation of appropriate decision-making procedures regarding military missions existed in 2004. For 2004 we therefore code the level of parliamentary control in Chile as *inconclusive*.

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[39] Chilean legal texts were translated from Spanish by Christian Weber.
[40] Both articles of the constitution have not been modified since their adoption in 1980.
[41] For the official Senate summary of the bill see
     www.senado.cl/prontus_senado/site/extra/sesiones/pags/pags/resu/21080115204941.html (accessed 29 January 2008).

4.9   Colombia, 1991-1994

Although Colombia is one of the oldest democracies in Latin America and revolutions and military rule have been the exception rather than the rule,[42] democracy rarely proved stable and consolidated over an extended period of time. For about 60 years there has been a large potential for conflict and violence between different groups, including guerrilla fighters and paramilitaries. The establishment of a new constitution on 2 July 1991 could not durably change this, as is demonstrated by the country's Polity scores, which vary between 7 and 9 and reach the threshold value for inclusion in our sample only from 1991 to 1994.

As most other Latin American countries, Colombia is a presidential democracy in which the president acts as head of state, head of government, chief of the administration and commander-in-chief of the armed forces. The legislative branch of government is formed by a bicameral parliament, Congress, which consists of the House of Representatives and the Senate. Both houses share legislative power. Overall, however, Congress has a rather poor prestige in the public eye, because of corruption, particularism and 'the clientelistic nature of politics' (Marshall and Jaggers, 2007b).

Colombia has not been very active in sending troops abroad. It has sent 358 military personnel to the MFO mission on the Sinai[43] and also participated in the MINUSTAH mission in Haiti, to which many Latin American countries contributed.[44] The potential for parliamentary participation in decisions over such deployments is rather narrowly circumscribed by the Colombian constitution. Only in the case of a declaration of war does the Senate, in principle, have veto power. The constitution of 1991 describes the declaration of war as a presidential prerogative, yet the president's decision has to be countersigned by all ministers and authorised by the Senate (Constitution of Colombia, article 173(5)).[45] The deployment of military personnel to multinational troops outside Colombian territory is not included in this provision. Only article 189 of the constitution has implications for such operations. It states that

> it is the responsibility of the President of the Republic, as the chief of state, head of the government, and supreme administrative authority to do the following:...

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[42]   In the 1950s the military revolted after major fights between the Liberals and the Conservatives in Colombia. Military rule only lasted four years, from 1953 to 1957, before the two parties established a system of power-sharing known as the National Front. 'Under this agreement... the Liberal and Conservative parties alternated control of the presidency and shared equally in all legislative, judicial and administrative posts' (Marshall and Jaggers, 2007b). Even though this system was officially terminated, its effects, e.g. a lack of a partisan differentiation, were still noticeable in the 1990s.

[43]   See the website of the Multinational Force and Observers for more details on the Colombian contribution, at www.mfo.org/1/9/38/base.asp (accessed 30 June 2009).

[44]   See the UN Department of Peacekeeping Operations website for more information on MINUSTAH, at www.un.org/Depts/dpko/missions/minustah/facts.html (accessed 30 June 2009).

[45]   All translations from Colombian legal texts were provided by Christian Weber.

5. Direct military operations when he/she deems it appropriate.

6. Provide for the external security of the Republic, defend the independence and honour of the nation and the inviolability of its territory; declare war with the approval of the Senate or without such authorisation to repel foreign aggression; and agree to and ratify peace treaties, regarding all of which matters the President will give an immediate account to the Congress. (Constitution of Colombia, article 189(5)–(6))

Thus deployments below the threshold of war lie within the decision-making power of the president. Additionally, far-reaching competences are given to the president in the case of a defensive war, when s/he is not bound to Senate approval (see above) and has the right to declare war whenever s/he considers it appropriate 'to repel the aggression' (Constitution of Colombia, article 212).

As the Colombian parliament enjoys veto power over military deployments only when Colombia declares a war, we code the country as having no *ex ante* parliamentary veto power.

4.10   Cyprus, 1989-2004

After a troubled history, Cyprus became a *de facto* divided country in 1974. Today, only the government of the southern part is widely recognised internationally and its presidential system has a score of 10 in the Polity IV database throughout the entire period we study. The Cypriot executive is headed by a directly elected president, who may appoint and dismiss cabinet ministers. The legislative branch is formed by a unicameral parliament, the *Vouli Antiprosopon* or House of Representatives, which has 56 seats.[46] Executive and parliament are clearly separated, in that the executive cannot dissolve parliament and parliament cannot dismiss government members from office.

The rules for the involvement of the House of Representatives in deployment decisions changed substantially during the period under investigation. Until 2003 the Cypriot parliament had no veto right over military deployments abroad. The distribution of competences was exclusively determined by the constitution, which gave the competence to decide over security and defence questions to the executive (Constitution of the Republic of Cyprus, article 54). Executive competences were further defined in article 50, and included the power to declare war and conclude peace treaties. Also the distribution and stationing of armed forces and the

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[46]   Another 24 seats are assigned to Cypriots from the northern part of Cyprus, but due to the *de facto* separation of Cyprus are not filled.

'the cession of bases and other facilities to allied countries' (article 50, section 1(b)iv) were prerogatives of the executive. As a consequence, parliament had no right to veto a presidential decision in the 'security policy-making area' (Dieterich et al., 2008: 49), although the executive informed parliament about its decisions. With respect to decisions concerning the deployment of troops, the Cypriot parliament was therefore 'in a rather weak position' (ibid.: 48).

This changed fundamentally in October 2003, however, when a new law was passed to regulate decision-making in this area. In discussions about the draft law, the House of Representatives formulated concerns about the lack of parliamentary involvement in deployment decisions. Arguing that in most other European countries parliament could participate in such decisions, the draft was modified to provide for a parliamentary veto right.[47] The law was passed in 2003, and since then parliament 'holds a veto-player position in questions of troop deployment' (ibid.: 48). Consequently, Cyprus is coded as a country in which *ex ante* parliamentary veto power is *absent* until 2002 and *present* from 2003 on.

4.11   Czech Republic, 1993-2004

The Czech Republic emerged from the peaceful dissolution of Czechoslovakia at the end of 1992. The new system proved a stable democracy from its very beginning and scored 10 on the Polity IV scale from 1993 onwards. The Czech Republic's 1992 constitution provides for a parliamentary system with a president as head of state. The president, who also acts as commander-in-chief of the armed forces (Constitution of the Czech Republic (amended version), article 63(c)), is elected by both chambers of parliament: the Chamber of Deputies and the Senate. The president nominates a prime minister, who needs to be approved by parliament and may be dismissed by parliament through a vote of censure (Vodička, 2002: 247).

Immediately after the Czech Republic gained sovereignty, the deployment of military forces was put under tight parliamentary control, as in many other Central and Eastern European countries after 1990. According to article 43(1) of the constitution:

> Parliament decides on a declaration of the state of war in the event that the Czech Republic is attacked or if it is necessary to meet international treaty obligations concerning joint defence against aggression. (Constitution of the Czech Republic, article 43(1))

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[47]   See the report of the Defence Committee concerning the formulation of the deployment law (in Greek) at www.parliament.cy/parliamentgr/008_05/008_05_931.htm (accessed 5 December 2008).

Additionally, paragraph 2 stated that both chambers of parliament had to give their consent if armed forces were to be deployed outside Czech territory.

In the late 1990s, however, concerns about the flexibility of deployment procedures were raised. In 1998 the minority government of Milos Zeman lobbied for a constitutional amendment to limit parliamentary influence and give the government more freedom of action. Deputy Premier Pavel Rychetsky called for changes to the constitution 'that would permit the government to make decisions in emergency situations and then go to Parliament' (Simon, 2004: 82). The position of the government was supported by the chairman of the Senate Foreign, Defence and Security Committee, Michael Zantovsky, who argued that a constitutional amendment was needed to comply with NATO commitments when the Czech Republic became a NATO member in 1999 (for the following see also ibid.: 79ff). Even though this amendment was rejected by the Chamber of Deputies in June 1999, a new proposal, introduced to parliament in January 2000, reached the necessary majorities in both chambers.[48] Since September 2000 the amended article 43 of the constitution has read as follows:

> (1) The Parliament may decide to declare a state of war should the Czech Republic be attacked or should international contractual obligations concerning common defence be met....
> (3) The Parliament shall give its approval of
> a) dispatch of Czech military forces outside the territory of the Czech Republic; and
> b) presence of foreign military forces on the territory of the Czech Republic, unless these decisions have been reserved for the government.
> (4) The government shall decide on a dispatch of Czech military forces outside the territory of the Czech Republic and on the presence of foreign military forces on the territory of the Czech Republic for up to 60 days at most when they concern
> a) fulfilment of international contractual obligations concerning common defence against aggression;
> b) participation in peace operations pursuant to a decision of an international organization of which the Czech Republic is a member, and providing there is an approval of the receiving state; and
> c) participation in rescue operations in case of natural, industrial and ecological disasters. (Constitution of the Czech Republic, amended version, article 43(1, 3ff))

The lengthy additions to article 43 substantially circumscribe parliamentary veto power. Czech participation in multilateral operations is now subject to prior parliamentary approval only if the receiving state did not approve of the operation and the operation is not in common defence against external aggression. Additionally, the passage of foreign troops through Czech territory or airspace and participation in military exercises is left to the

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[48] We are indebted to Stepan Pechacek for information about the reform of the Czech deployment rules.

government (article 43(5)). If government makes use of these provisions it has to inform parliament about its decisions 'with no delay' (article 43(6)).

All this has been welcomed by experts as increasing the 'flexibility' in reacting to international crises (Khol, 2004: 95; Vlachová and Sarvaš, 2002: 46). However, it also constitutes a significant weakening of parliamentary veto rights. Indeed, most operations are now exempt from *ex ante* parliamentary control. In these cases parliament may only interfere with an executive decision once troops have been sent abroad and may terminate an operation of which it disapproves. Consequently we classify the Czech Republic as a country in which an *ex ante* parliamentary war power is *absent* since 1999 and *present* before.[49]

4.12   Denmark, 1989-2004

Denmark is a constitutional monarchy with a one-chamber parliament, the *Folketing*.[50] Government and parliament are closely intertwined. Government is headed by the prime minister who appoints all cabinet members. Parliament may remove the government or single ministers by a vote of no confidence, while the prime minister can dissolve parliament and schedule new elections at any time (Nannestad, 1999: 63). The *Folketing* is a parliament that enjoys a quite influential position *vis-à-vis* the executive, as it acts as a 'decentralized and nonhierarchical legislature, where the opposition can be effective' (Strøm, 1986: 599). Moreover, Denmark frequently has minority governments, which gives parliament additional influence.

This generally strong power of parliament is reflected in the foreign and security realm. Article 19 of the Danish constitution, which specifies the competences of government and parliament for the area of foreign affairs, states that

> Except for purposes of defence against an armed attack upon the Realm or Danish forces the King shall not use military force against any foreign state without the consent of the Parliament. Any measure which the King may take in pursuance of this provision shall immediately be submitted to the Parliament. If the Parliament is not in session it shall be convoked immediately. (Constitution of Denmark, article 19(2))

With this provision, the parliament obtains the right to decide on the deployment of military personnel abroad. Only in case of an armed attack on Denmark or the armed forces can the King use military power against another country. Additionally, the government has to consult the Foreign

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[49]   For 2003, Dieterich et al. (2010) coded the Czech parliament's war powers as 'deferred'.
[50]   Denmark has had a value of 10 on the Polity scale since 1946.

Affairs Committee,[51] a commission composed of parliamentarians, before it makes any decision on foreign affairs with far-reaching consequences (Constitution of Denmark, article 19(3)). Thus the constitution clearly delegates the power to deploy military troops to the *Folketing*. There exist only minor exceptions from this rule: when missions are implemented with the consent of the state in which the mission actually takes place, e.g. traditional UN peacekeeping missions, prior approval by parliament is not needed (Dieterich et al., 2010). Moreover, small observer missions do not require prior approval either (Houben, 2005: 85).

Denmark has participated in many peacekeeping missions since 1989. Danish military personnel have been sent to Kosovo (KFOR), Afghanistan (ISAF) and Iraq (DANCON).[52] In general, the decision-making process for deployments of military personnel in Denmark has been characterised as one of a search for broad consensus. This does not imply that decision-making always takes place in a way that is fully satisfactory for MPs. In the case of the Iraq war in 2003, opposition leader Mogens Lykketoft, for example, complained that parliament had been 'confronted with a *fait accompli*' (quoted from ibid.: 97). Even then, however, parliamentary approval was required for the deployment. Due to both the legal situation and deployment practice, we therefore code Denmark as a country with *ex ante* parliamentary veto power over military missions.[53]

4.13   Ecuador, 1989-1996 and 1998-1999

The current Ecuadorian constitution is the twentieth version since the establishment of the country in 1830.[54] After the revolution in 1925, convening a constituent assembly was often regarded as an adequate solution to internal crises and conflicts, although the new constitutions resolved the domestic tensions only temporarily (Hoffmann, 2008: 203–205). Ecuador is a presidential democracy and the constitution confers wide-ranging powers to the president, e.g. appointing and dismissing ministers, defining the guidelines of foreign policy and acting as the supreme commander of the armed forces (ibid.: 205). The unicameral parliament, the Congress, is endowed with legislative competences.

In foreign affairs the president occupies the leading role, with little room for Congress to interfere with his/her decisions, especially in the security realm.

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[51]   The Foreign Affairs Committee only possesses an advisory function and 'its views bear no binding effect on the government's decisions' (Dieterich et al., 2008: 27).

[52]   For more information see http://forsvaret.dk/FKO/eng/Facts%20and%20Figures/International%20Missions/Links/Pages/default.aspx (accessed 7 December 2009).

[53]   For 2003, Dieterich et al. (2010) coded the Danish parliament's war powers as 'selective'.

[54]   Ecuador scores 9 on the Polity scale from 1989 to 1996 and from 1998 to 1999.

The National Defence Bill of 1979 states: 'The President of the Republic is the highest authority and has the highest powers and responsibilities for National Security, in times of peace and in times of war' (*Ley de Seguridad Nacional* 1979, article 4).[55] These powers and responsibilities are 'permanent and not to be delegated' (ibid., article 5). The bill is silent about other institutions such as the parliament. With the establishment of the White Book of National Defence in 2002, parliamentary rights were consolidated, with the right to pass bills in this area, vote on international treaties and determine the financialresources allocated to defence policy (*Libro Blanco de la Defensa Nacional*, 2002). Until a constitutional change in 1996, a declaration of war was bound to approval by Congress. With the change of the constitution in 1996, the president possesses absolute control over the state's forces and the right to proclaim a state of emergency. S/he only has to 'notify' the Constitutional Court or Congress 'if it is assembled' (Constitution of Ecuador, article 103(h–o)). The constitutional modifications of 1998 changed this distribution of power only slightly. The president has the right to 'define foreign policy and direct international relations'. Prior approval by Congress is only necessary if the constitution demands it (Constitution of Ecuador, article 171(12–15)). Overall, the constitution does not specify any parliamentary control rights in cases of war or the deployment of Ecuadorian troops outside the national territory.

Ecuador has not been very active as regards participation in multilateral operations. In 2004, 67 Ecuadorian troops were deployed to participate in the UN MINUSTAH mission in Haiti and parliament was not involved. Due to the strong role of the presidency and the clear-cut delegation of competences, we code Ecuador as a country without *ex ante* parliamentary veto power.

4.14   Finland, 1989-2004[56]

During the Cold War Finnish security policy was heavily influenced by its geographic proximity to the Soviet Union and its location on the fault-line of the East–West conflict. Finland remained non-aligned during the Cold War period and did not accede to NATO after 1989 either, although neutrality did become contested in the Finnish security discourse. Like other (post-)neutral countries, Finland chose to participate in NATO's Partnership for Peace Program and has contributed to several multinational, including NATO-led, military operations.

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[55]   All the following constitutional articles and laws in Spanish are translated by Christian Weber.
[56]   This section draws on Kuusisto (2009).

The political system of Finland[57] 'combines parliamentary democracy with a strong presidency' (Raunio and Wiberg, 2004: 302). The Finnish president, who is directly elected, has a powerful political position and wide-ranging competences in the realm of foreign policy. The prime minister and the cabinet are accountable to parliament, the *Eduskunta*. A simple majority in parliament suffices to dismiss a single minister or the government as a whole (Dieterich et al., 2010). Since the establishment of a new constitution in 2000, parliament also plays the decisive role in the process of government formation. Since then it has been parliament's prerogative to elect the prime minister, who is formally appointed by the president. Before 2000 it had been the president's task to nominate either a prime minister or 'a third person whose task it is to continue negotiations – primarily with those parties that she or he would like to see included in the cabinet' (Raunio and Wiberg, 2004: 307).

The constitution of Finland stipulates that foreign policy 'is directed by the President of the Republic in co-operation with the Government... The President decides on matters of war and peace, with the consent of the Parliament' (Constitution of Finland, article 93). Military missions short of war are not explicitly mentioned in the constitution, and therefore a special Peacekeeping Act was established in 1984 (Höglund, 1998).[58] The act was modified several times afterwards, but the most significant provisions for our purposes, i.e. those concerning decision-making on external deployments, changed only slightly. What did change significantly was the scope of military operations in which Finland was allowed to engage. When the Peacekeeping Act entered into force in 1984, Finland's participation was restricted to traditional peacekeeping operations under UN mandate. From 1993 on, Finnish armed forces could participate in UN and OSCE operations to maintain and restore international peace. In 1995 operations for humanitarian assistance and the protection of the civilian population were added. In 2001 the Peacekeeping Act was replaced by the Act on Peace Support Operations.[59] Following this Finnish armed forces could generally participate in military crisis management under UN or OSCE mandate as long as they would not be party to coercive military missions under articles 42 and 51 of the UN Charter.[60]

Although deployment legislation was modified frequently in Finland, the role of parliament was not significantly altered. Throughout, deployment

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[57] Finland has a value of 10 on the Polity scale during the whole period we study.
[58] Act 514/1984, later modified by amendments 18/1987, 1261/1988, 376/1990, 1148/1990, 1212/1990, 520/1993 and 1465/1995 (see Kuusisto, 2009: 3).
[59] Act 750/2000.
[60] Another change was made after the period we study, when the Act on Peace Support Operations was replaced by the Act on Military Crisis Management in 2006 (211/2006). Since then Finland may participate in operations under mandate of the UN, the OSCE, the EU 'or some other international organization or group of countries' (sec. 1, para. 3, quoted from Kuusisto, 2009: 4).

decisions were to be made with the participation of parliament. The 1984 Peacekeeping Act required prior consultations with the Foreign Affairs Committee,[61] a provision that was also included in the 2001 Act on Peace Support Operations:

> On the proposal of the Government, the President of the Republic shall decide on Finland's participation in peacekeeping activities and on the termination of participation, in each case separately. Before introducing the proposal to deploy a peacekeeping force, the Government shall consult the Foreign Affairs Committee of Parliament. (Act on Peace Support Operations, section 2)

Furthermore, since 1995, the plenary of the *Eduskunta* must be involved for more demanding operations :

> If the rules of engagement of the peacekeeping force are planned to be *wider than in traditional peacekeeping*, the Government must consult Parliament by submitting a report detailing the rules of engagement in the operation in question prior to introducing the proposal. (Act on Peace Support Operations, section 2, emphasis added)

The requirement to consult with parliament has been interpreted to mean that parliamentary approval is required for the deployment (see Dieterich et al., 2010). Therefore decision-making for military peacekeeping operations usually proceeds from intra-governmental discussions to consultation with parliament and a vote there.[62] The president first discusses the case with the Cabinet Committee on Foreign and Security Policy, which is chaired by the prime minister and includes the minister of foreign affairs, the minister of defence and other ministers whose portfolios are affected by the issue under consideration. After having made a decision, the government asks parliament for approval. If the decision is of less importance and a traditional peacekeeping mission is concerned, the approval of the Foreign Affairs Committee (whose meetings are not open to the public) is considered sufficient (see above). Parliament is usually informed about a case through reports or white papers. The foreign minister does not officially propose the deployment to the president before parliament has given its consent. In the case of EU operations, parliament is involved even before the Council of the EU makes its final decision on a joint operation. This is illustrated by the EU's EUFOR Althea mission, where Finland deployed 177 soldiers only after parliamentary approval and the parliament's decision was made before the Council had decided on the joint action for the operation (Born et al., 2007: 69).

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[61] Act 514/1984, sec. 1, para. 2.
[62] We are indebted to Heikki Savola for information on Finnish peacekeeping legislation and decision-making.

As the Finnish parliament enjoys a veto position regarding the deployment of troops, we consider Finland a country with *ex ante* parliamentary veto power.[63]

4.15   France, 1989-2004

During the Cold War, France placed great emphasis on the autonomy of its security policy (see Gordon, 1993). It built up its own nuclear arsenal and left NATO's integrated military structure in 1966 (to which it only returned in 2009). Nonetheless, it remained a member of NATO and sustained close military links to its allies during and after the Cold War, as became apparent in its frequent participation in multilateral operations like the Gulf War of 1991, different UN-, NATO- and EU-led operations in former Yugoslavia and ISAF in Afghanistan, to name a few.

When it comes to deploying French military forces, the executive has a dominant position. France is one of the few countries that have a 'double executive'. The president is directly elected for a five-year term and appoints both the prime minister and, on the prime minister's recommendation, the cabinet ministers who together constitute the government. In contrast to a genuine presidential system, however, the government depends on the backing of the National Assembly, the directly elected chamber of parliament. Although the president holds prerogatives in foreign and security policy, the distribution of competences between the president and the prime minister is not always clear. When the majority of the *Assemblée Nationale* and the president are of the same political party, the president enjoys a strong position. The opposite situation of a so-called 'cohabitation' often makes 'the Prime Minister... an important holder of executive power' (Thiébault, 2004: 326).

According to article 15 of the French constitution, the president is the commander-in-chief of the armed forces. Article 35 of the constitution states that 'a declaration of war shall be authorised by Parliament', yet military actions short of war are not mentioned. In these cases the government has 'the opportunity to decide whether a parliamentary authorisation is required' (Rozenberg, 2002: 126). As military deployments nowadays are rarely if ever bound to declarations of war, the executive can usually decide freely whether it puts a deployment up to a parliamentary vote or not. Obviously this confines parliament to a very weak position, as it can be circumvented by the executive at will.

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[63]   This concurs with Dieterich et al. (2010), who code the Eduskunta's war powers as 'comprehensive'.

A few examples from French deployment practice illustrate that the executive is indeed the decisive actor in determining troop deployments. 'President Mitterrand asked for a vote in January 1991 at the beginning of the Gulf war whereas Prime Minister Jospin refused a vote during the Kosovo crisis in April 1999 given the divisions in its majority on the question' (ibid.). Concerning the EUFOR DRC mission in 2003 and the EUFOR Althea mission in 2004, the French parliament was informed by the executive and debated the deployments in advance but did not enjoy veto power (Born et al., 2007: 23ff).

As it is the executive that decides whether and how the French parliament is involved in a deployment decision, we classify France as a country in which *ex ante* parliamentary veto power is *absent*.[64]

4.16 Germany, 1989-2004

The experience of the Second World War, Nazi dictatorship and the Holocaust heavily affected the West German state and its approach to foreign and security policy. Even after the unification of East and West Germany this legacy could still be felt. As East Germany acceded to the West German Federal Republic in 1990, the West German constitution, the Basic Law and the institutional framework of West Germany remained intact and almost without alterations in the new unified state. The Basic Law provides for a federal parliamentary system with a bicameral parliament comprising the directly elected Federal Assembly (*Bundestag*) and the Federal Council (*Bundesrat*), in which the governments of the regional states are represented. The Federal Assembly is the main legislative body and also elects the head of government, the federal chancellor, who selects the cabinet ministers. The chancellor may be dismissed from office only through a positive vote of no confidence, i.e. if the Federal Assembly replaces him or her with a successor.

When the Federal Republic of Germany was established in 1949, the constitutional drafts did not provide for any armed forces in order to prevent a recurrence of German militarism. At the beginning of the Cold War, however, a fierce debate emerged over the necessity to create armed forces and the Western victorious powers supported a slow rearmament of the Federal Republic under the auspices of NATO (Longhurst, 2004). Hence, in March 1956, a new article was added to the Basic Law, stating that:

(1) The Federation establishes Armed Forces for defence purposes...

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[64]   This concurs with Dieterich et al. (2010), who code the Assemblée Nationale's war powers as 'deficient'.

(2) Apart from defence, the Armed Forces may only be used insofar as explicitly permitted by this Constitution. (Basic Law, article 87a)

Until the end of the Cold War this was understood as enabling Germany's armed forces, the *Bundeswehr*, to only engage in a defensive war and collective NATO defence operations. There was a broad consensus among constitutional lawyers and politicians that the Basic Law ruled out the participation of the armed forces in military missions beyond this scope, i.e. in peace-support operations (Baumann, 2001: 166). After being confronted with criticism from its allies for not having contributed troops to the Persian Gulf in 1991, however, the German government began a deliberate policy of challenging this predominant interpretation. To this end, the government sent small troop contingents to participate at the fringes of military missions, for example by sending medical troops to Cambodia in 1991 and naval forces to participate in monitoring the embargo against Yugoslavia, which was declared a non-combat mission (for an overview see Baumann and Hellmann, 2001).

The government's policy was endorsed in principle by the Federal Constitutional Court in a ruling in July 1994. At the same time, however, the court emphasised that any deployment of the armed forces must obtain parliamentary approval in advance because the *Bundeswehr* was considered a 'parliamentary army' whose deployment was not at the executive's sole discretion. The court also urged parliament to lay down detailed regulations in a specific deployment law. Notwithstanding this request, it was not until 2004 that the Federal Assembly agreed on a deployment law.

According to this law,[65] the deployment of armed forces requires the prior approval of parliament (article 1(2)). This general provision does not apply to preparatory measures or humanitarian missions during which arms are carried for the purpose of self-defence only (article 2(2)). For missions of low intensity and importance, a simplified procedure is applied: after the government has outlined why a given mission can be considered to be of low intensity or importance, a relevant document is circulated among the MPs. The mission is considered to be approved unless, within a period of seven days, one parliamentary party or a minimum of 5 per cent of parliamentarians calls for a formal procedure. According to article 8, parliament may demand the withdrawal of troops.

While this law entered into force only in 2005, the Constitutional Court's 1994 ruling had already ended domestic debates about the appropriate legal basis for external deployments of Germany's armed forces. Since then government has been legally obliged to turn to parliament for approval of

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[65] *Gesetz über die parlamentarische Beteiligung bei der Entscheidung über den Einsatz bewaffneter Streitkräfte im Ausland* (Parlamentsbeteiligungsgesetz), Bundesgesetzblatt 2005, I , 775ff.

deployment decisions. Moreover, Germany has since then participated in numerous multilateral military operations, including ISAF in Afghanistan, KFOR in Kosovo, EU-led operations in Bosnia and Herzegovina, Macedonia and the Democratic Republic of Congo, and UN operations like UNMIS (Sudan) and UNIFIL (Lebanon).[66] All these were approved by parliament, and the mandates of individual operations have regularly been extended by the *Bundestag* too. Operations are usually supported by grand majorities. Even a seemingly controversial deployment like Operation Allied Force in Kosovo in 1998 was supported by 503 versus 62 votes (plus 18 abstentions – Biermann, 2004: 651).

Overall, then, prior parliamentary approval is required for all deployments of the armed forces since the Constitutional Court's ruling. Consequently, we classify Germany as a country in which *ex ante* parliamentary veto power is *present* since 1995.[67] As the adequate legal basis for military deployments was disputed before that ruling, so there was no commonly accepted norm, we code the level of parliamentary control as *inconclusive* for the years 1989 to 1994.

4.17 Greece, 1989-2004[68]

In 1974 military rule ended in Greece and a new democratic constitution was established in 1975.[69] The constitution defines Greece as a parliamentary democracy with a president as head of state. The dominant position which the president originally enjoyed was significantly weakened through constitutional reforms in 1986. Parliament elects the president with a two-thirds majority and cannot dismiss him or her from office afterwards. Government is headed by the prime minister, who is appointed by the president yet depends on parliamentary support since it is primarily parliament that can dismiss the government from office (Zervakis, 1999). In practice the Greek political system is characterised by strong prime ministers who are usually backed by a reliable majority in parliament. Parliament tends to rubberstamp executive decisions, which has even led to allegations that the Greek parliament is merely a 'decorative political organ' in which real debates do not take place (Sarantidou, 2000: 117).

Foreign and security policy is an area where parliament's weakness becomes particularly apparent. The president is the commander-in-chief of the armed forces (Constitution of Greece, article 45); the prime minister generally

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[66]   For an overview of the current missions of the German armed forces see the English website of the Defence Ministry at www.bmvg.de and go to Security Policy > Missions (accessed 19 January 2008).
[67]   This concurs with Dieterich et al. (2010), who code the Bundestag's war powers as 'comprehensive'.
[68]   This section draws on Tsetsos (2009) and Kallia (2009).
[69]   Greece continuously has a score of 10 on the Polity IV scale from 1987 onwards.

decides on matters of foreign policy (Axt, 1992: 45).[70] Parliament is seldom involved and not in a position to play a more active role. Experts are rarely consulted and the government enjoys the right to withhold information from parliament. Moreover, the parliamentary committee which deals with questions of foreign affairs, the Standing Committee on Defence and Foreign Affairs (SCDFA), possesses only weak resources. The committee relies on a small staff and its work focuses primarily on preparing the plenary debates (ibid.: 50). To add to this, committee members are selected by the party leadership, and in this selection process their professional competence appears not always to play a decisive role (Sarantidou, 2000: 118).

The weak position of parliament in foreign and security policy is also reflected in Greek deployment law. The constitution does not include any role for parliament in the deployment of the armed forces. Specific laws dealing with decision-making in national defence and foreign affairs do not put parliament in a strong position either. Law 1266/82 of February 1982 gave prime responsibility for these areas to the Governmental Council on Foreign and Defence Matters (KYSEA). KYSEA serves as the main body responsible for decision-making in defence politics and is headed by the prime minister. Decision-making within KYSEA does not involve parliament, nor are decisions taken by this body usually reviewed by parliament. Troop deployments were explicitly included in KYSEA's sphere of competence in 1995, when the increasing practice of peacekeeping and UN-mandated troop deployments appeared to make such a codification necessary.[71] Law 2292/95 stipulates that 'the Council of Ministers has competence, in matters of national defence, for the decision to deploy the armed forces in the framework of Greece's obligations under international agreements'.[72] Parliamentary involvement is not mentioned.

In practice, the process for approving military missions abroad is dominated by the Ministry of Defence and KYSEA. When a deployment of Greek troops is considered, the Ministry of Defence elaborates a proposal, which is introduced by the defence minister to KSYEA. If KYSEA endorses the deployment, the minister of defence informs the relevant parliamentary committee, the SCDFA. It was only in 2003 that an additional committee, the National Council on Foreign Policy (NCFP), was created which brings together members of the executive and of parliament. The NCFP is intended to improve democratic oversight of foreign policy decisions.[73] This advisory body is chaired by the minister of foreign affairs, and includes the chair of the SCDFA, two members of all Greek parties represented in parliament and

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[70]   Even the foreign minister is often confined to a merely implementing role. The decision to leave NATO's military institutions in August 1974, for instance, was made by Prime Minister Karamanlis after consultation with Defence Secretary Averoff, whereas the foreign minister was only informed (Axt, 1992: 47).
[71]   In this respect, Law 2292/95 'introduced already existing governmental practice into law' (Tsetsos, 2009: 5).
[72]   The translation is taken from Assembly of the Western European Union (2001: 12).
[73]   See Law 3132/03 of 11 April 2003.

a number of experts. The task of the NCFP is to 'advise... the government, examine... issues relevant to the strategic planning of foreign policy and increase... the involvement of all parties represented in the Greek parliament' (Tsetsos, 2009: 5). While this may improve the inclusion of parliament's views in executive decision-making, the NCFP remains consultative and decisions are still taken at the executive level. Further involvement of parliament in deciding on the deployment of troops does not exist.[74]

The Greek armed forces have been and still are participating in a multitude of peacekeeping operations abroad. As a member of NATO and the European Union, Greece has contributed to their peace-support missions, *inter alia*, in Bosnia (SFOR), Kosovo (KFOR), the Former Yugoslav Republic of Macedonia (Amber Fox) and Afghanistan (ISAF). Greece refrained, however, from participation in Operation Allied Force in 1999 and the invasion of Iraq in 2003.

In sum, Greece has to be considered as a country in which *ex ante* parliamentary veto power is *absent.*[75]

4.18   Hungary, 1990-2004[76]

After the Second World War, Hungary became *de jure* an independent country but *de facto* remained occupied by Soviet Union troops. In 1989–1990 the country lived through a transition from communism to democracy, with the first free elections taking place in March 1990.[77] Transition and democratic consolidation in Hungary proceeded more easily than in most Central and Eastern European countries: there was agreement on transition between the reformist and the communist elite and the country had been quite open and 'Westernised' all along, so the political and economic elites were relatively well prepared for the establishment of democratic institutions and a market economy (Dunay, 2002: 64). The reworked constitution of 1989 established new institutions including many checks and balances to prevent a renewed abuse of executive power. During the democratic transition, consensus emerged that Hungary should adopt a Western model of civil-military relations (ibid.: 65).

This included a strong role for the Hungarian parliament in deploying the armed forces, at least in the first decade. Hungary's parliament, the National Assembly, consists of 386 MPs who are elected for four years. The National

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[74]   Personal communication with Stefanos Gikas, spokesperson of Greek Ministry of Defence, 10 October 2005.
[75]   This concurs with Dieterich et al. (2010), who code parliamentary war powers in Greece as 'deficient'.
[76]   This section draws on Rácz (2008).
[77]   From 1990 on Hungary consistently has a score of 10 in the Polity IV dataset.

Assembly elects Hungary's prime minister by absolute majority, and can vote government out of office through a constructive vote of no confidence (Körösényi, 2002: 313ff). The National Assembly's role in deploying the Hungarian Defence Force (HDF) underwent some important changes during the period covered by our research. As we shall see, parliament was first granted a key role in deployment decisions, which was then successively downgraded through a series of reforms after Hungary's accession to NATO.

The initial formulation of Hungarian deployment law occurred after the first democratic elections in March 1990, when the National Assembly decided to amend the constitution to require a two-thirds majority of MPs for the HDF to be deployed. Article 19 of the constitution stipulated that it was parliament's responsibility to decide on the deployment of the armed forces, but an individual mandate would exceptionally not be required for UN-mandated missions (Rácz, 2008: 10).

This situation changed, however, when Hungary became a NATO member in 1999. NATO officials criticised the constitutional provisions as obstacles to efficient decision-making and participation in joint military missions (Dunay, 2004, 2005), and the Hungarian government attempted to change the respective provisions in 1998–1999. The effort failed at first, but in 2000 the two-thirds requirement was successfully modified for the first time. This initial change was of minor scope though: Law XCI stipulated that two-thirds of all parliamentarians *being present* would be needed for a decision concerning military deployments (Rácz, 2008: 26) and that military missions with a UN mandate would also be subject to parliamentary approval. A much more substantial modification was made in 2003 after NATO Secretary-General George Robertson complained that constitutional provisions prevented Hungary from participating in NATO missions. The National Assembly passed Law CIX 1, which entered into force in December 2003 and enabled government to deploy Hungarian forces to NATO operations without any parliamentary approval (ibid.). After Hungary's accession to the EU in 2004, the provision was extended to deployment decisions within the EU framework in February 2006. Eventually, then, HDF participation in EU or NATO operations has become a matter of a government decision only, whereas for all other operations (e.g. UN, OSCE missions or 'coalitions of the willing') a two-thirds majority among parliamentarians is still necessary (ibid.).

In practice, the HDF has actively participated in many peacekeeping operations abroad. These operations started in 1993 with participation in the UNFICYP and UNOMIG missions, where the Hungarian contingent was of limited size. The first larger force was sent to Bosnia and Herzegovina in the

IFOR mission in 1995. HDF staff members have also served in OSCE missions (e.g. in Tajikistan, Georgia and Nagorno-Karabakh), EU military missions (e.g. EUFOR Althea in Bosnia and Herzegovina and EUSEC DRC) and other NATO missions (e.g. NTM-I in Iraq and ISAF in Afghanistan) (ibid.: 25–34). At the time of writing there were more than 400 soldiers active in Kosovo, supporting the operations of KFOR and taking part in an Italian-Hungarian-Slovenian multinational land force. HDF soldiers were also present in Albania and Bosnia and Herzegovina. The HDF takes part with unarmed observers in several UN, OSCE and EU missions.

All in all, we can distinguish two phases concerning the parliamentary control of military missions in Hungary. The first covers the period 1990–2003. Here, a parliamentary two-thirds majority was needed to send troops abroad; thus we consider Hungary to be a country with *ex ante* parliamentary veto power between 1990 and 2003.[78] From 2004 on, taking into account Law CIX 1 which entered into force in December 2003 and the increasing prominence of EU and NATO operations, we consider Hungary to be a country without *ex ante* parliamentary veto power.

4.19   India, 1995-2004

India, one of the oldest democracies in Asia and one of the largest in the world, enters our sample in 1995, when its Polity score goes up one point and reaches our threshold value of 9. After (re)gaining its independence from Britain on 15 August 1947, India established a parliamentary political system which was then dominated by the Congress Party for a long period. The party was able to ensure a majority for its prime ministerial candidates for almost 50 years from 1947 to 1996, with only two brief intermissions.[79] India's federal parliament, which elects the prime minister, consists of two houses, the *Lok Sabha* (People's Assembly) and the *Rajya Sabha* (Council of States). After his or her election, the prime minister selects the members of the Council of Ministers. Parliament and state legislatures also elect a president, yet in practice the president can act only on the advice of the Council of Ministers. The government is accountable to the *Lok Sabha*, which may remove government from office through a motion of no confidence (Wagner, 2006).

According to the Indian constitution, the president is formally the commander-in-chief of the armed forces:

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[78] This concurs with Dieterich et al. (2010), who code parliamentary war powers in Hungary in 2003 as 'comprehensive'.

[79] Only from 1977 to 1980 and from 1989 to 1991 did India's prime ministers come from other parties.

(1) The executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

(2) Without prejudice to the generality of the foregoing provision, the supreme command of the Defence Forces of the Union shall be vested in the President and the exercise thereof shall be regulated by law. (Constitution of India, article 53(2))

As the president is dependent in his or her actions on the Council of Ministers, it is the prime minister who acts as the *de facto* commander-in-chief. The role of the prime minister and the cabinet in determining the use of the armed forces is, as Elkin (1994: 474) points out, 'strengthened by the absence of a meaningful parliamentary role in fashioning national security policy'.

India is a very frequent contributor to UN peace-support operations, e.g. in Cambodia (UNTAC, 1992), Somalia (UNOSOM, 1992), Rwanda (UNAMIR, 1994), Angola (UNAVEM, 1995), Lebanon (UNIFIL, 1998–2004), Sierra Leone (UNAMSIL, 2000) and Ethiopia and Eritrea (2001–2004). Parliament does not possess an institutional veto power over such deployments and, as a matter of fact, Indian contributions to such operations are typically made without much interference from parliament. 'Opposition to participation is limited. Within the generally supportive policy framework set by the government, the decision to participate in any specific operation lies more with the bureaucracy than with the elected representatives of the people. Debates in parliament are rare and muted' (Thakur and Bannerjee, 2002: 189).

All in all, then, we code India as a country in which *ex ante* parliamentary veto power is *absent*.

4.20   Ireland, 1989-2004

Neutrality became an important cornerstone of Irish defence policy soon after the state of Ireland was established in 1937. The country remained neutral during the Second World War, did not accede to NATO afterwards and neutrality still remains an important reference point for its security policy today. Ireland is a parliamentary republic that has held a Polity score of 10 since 1952. It has a bicameral parliament constituted by the House of Representatives (*Dáil Éireann*) and the Senate (*Seanad Éireann*). The prime minister (*Taoiseach*) is nominated by the House of Representatives and appointed by the president, who is directly elected yet fulfils mainly representative functions. The prime minister leads the cabinet, and government as a whole or single ministers may be voted out of office by the

House of Representatives. The prime minister, in turn, may request the president to dissolve the *Dáil* and call elections (Mitchell, 2004).

The Irish constitution gives the power to decide over war and peace to parliament. Article 28, paragraph 3.1 states: 'War shall not be declared and the State shall not participate in any war save with the assent of *Dáil Éireann*'. Only in cases of an 'actual invasion' may the government decide how to answer the foreign attack without the consent of the parliament (Constitution of Ireland, article 28, paragraph 3.2).[80] The decision to deploy military troops is subject to a so-called 'triple-lock system'. A deployment must first of all be endorsed by a UN mandate, second, the government must itself agree on the deployment of troops and last but not least, parliament has to approve the mission. Thus, parliament ultimately has a veto over military deployments. The constitutional provisions were specified in the Defence Act 1954 (amended twice in 1960). According to the amended act of 1960, the government may deploy up to 12 soldiers without the consent of the parliament (Defence Act, article 2(2b); see also Dieterich et al., 2010).

The Irish Defence Force has participated in numerous peacekeeping missions. At the time of writing, Irish troops contributed to missions of the UN, EU, NATO and the OSCE.[81] Deployment practice concurs with legal provisions and parliament decides on troop deployments. In the case of the EU's Althea mission in Bosnia and Herzegovina, for example, it was the Joint Committee on European Affairs[82] that approved sending 62 soldiers to participate in the mission (Born et al., 2007: 70). The Irish parliament also approved the participation in Operation EUFOR Althea, EUFOR DRC, Operation EUPM BiH and Operation EUBAM Rafah[83] (Born et al., 2008: 17ff).

We consider Ireland to belong to the countries with *ex ante* parliamentary veto power, because the exception of military missions with fewer than 12 soldiers is *de facto* not significant.[84]

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[80] If parliament is not sitting, government has to inform it immediately and summon a meeting of parliament as soon as possible.

[81] For further information see www.military.ie/overseas/opstype/missions.htm (accessed 1 February 2009).

[82] The Joint Committee on European Affairs consists of 17 members from both houses of parliament.

[83] Although Ireland did not participate in EUBAM Rafah, parliament nevertheless consented to the mission (Born et al., 2007: 18).

[84] Dieterich et al. (2010) coded parliamentary war powers in Ireland as 'selective'.

4.21 Israel, 1989-2004

The state of Israel declared its independence on 14 May 1948. One day later it was attacked by a coalition of neighbouring states, and since then Israel has been repeatedly involved in military conflicts. Israel's precarious situation in the Middle East has given defence issues a prominent status in Israeli politics, which can be seen in the fact that for 22 of the first 50 years of the state's existence the Ministry of Defence was led by the prime minister (Oren, 1999: 23ff). As Israel holds a Polity score of 9 or 10 since its founding, it is present in our sample throughout the entire period of 1989–2004.[85]

Israel has no formal constitution; instead, different chapters of a constitution of sorts were adopted step by step so that Israel now has 11 'Basic Laws' which serve as the legal basis for the country. The executive consists of the prime minister and his or her cabinet; Israel's president, who is elected by parliament, possesses mainly ceremonial functions (Marshall and Jaggers, 2007c). The Israeli legislature is a unicameral parliament, the *Knesset*, with 120 seats. Until 1992 the prime minister was elected by parliament. As coalition governments often proved difficult to form and maintain, the rules for selection of the prime minister were changed and from 1996 to 2001 Israel's prime ministers were directly elected by the Israeli electorate. However, popular discontent with this new system led to a restoration of the old system in 2001 (Mahler, 2004: 142).[86]

The rules for the deployment of Israel's armed forces are quite straightforward. It is the competence of the government to deploy the armed forces force and parliament has no say in this decision. According to the Basic Law of 1976 that regulates the army, 'the Army is subject to the authority of the Government' (Basic Law: The Army, article 2(a)) and the minister of defence acts on behalf of the government in this respect (ibid., article 2(b)).

The authority of the government as opposed to the minister of defence was clarified in 1992. The 1992 Basic Law on the Government now posits that 'the state may only begin a war pursuant to a Government decision' (Basic Law: The Government, article 51(a)). This was done partially in response to the experience of the Lebanon war in 1982, where 'it was claimed that Minister of Defence Ariel Sharon manipulated the cabinet into launching a full scale war, while asking time and again for authorization for limited operations' (Hofnung, 1996: 203ff). The *Knesset* has a marginal role and comes into play only after the government has made a deployment decision. Government has to inform the parliament's Foreign Affairs and Defence

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[85] The Polity score is 9 for the years 1967–1998 and 10 thereafter.
[86] What was new, however, was the introduction of a constructive vote of no confidence, i.e. the Knesset can now dismiss a prime minister only by electing a new one (Mahler, 2004: 146).

Committee 'as soon as possible' about a decision to go to war or use military force to defend the state (Basic Law: The Government, article 51(c); Ben Meir, 1999: 47).

As there is no necessity to involve the *Knesset* prior to a deployment decision, we code Israel as a country in which *ex ante* parliamentary veto power is *absent*.

4.22 Italy, 1989-2004

After liberation from fascism, Italy became a democratic parliamentary republic.[87] The constituent assembly intended to design the political system of Italy in a way so as to make the different political factions (liberals, Christian democrats and communists) collaborate on political decisions. The result, however, has been a high degree of government instability with more than 60 governments in office since the end of the Second World War (Marshall and Jaggers, 2007d). The government is composed of the prime minister, or president of the council, and his/her ministers (Verzichelli, 2004: 460). The parliament is bicameral, with both chambers possessing 'symmetrical legislative powers' (ibid.: 446). The House of Representatives, consisting of 630 members, and the Senate with 315 members pass legislation collectively. After nomination by the president of the republic the prime minister and his/her cabinet members have to pass a vote of investiture in both chambers. The parliament also has the right to pass a vote of no confidence in the government as a whole or in single ministers with an absolute majority. Since the 1950s parliament has in general refrained from using the no-confidence vote. Parliament, in turn, can be dissolved by the president of the republic under certain conditions (ibid.: 455).[88]

Although Italy has participated in many multinational missions since 1989, including in Somalia (UNITAF), Albania (Operation Alba) and Afghanistan (ISAF),[89] parliamentary competences when Italian troops are deployed abroad are far from clear-cut. According to the constitution, the 'chambers are competent to declare war and assign the necessary powers to government' (Constitution of the Italian Republic, article 78).

However, the constitution is silent about military actions other than war. This has led to competing views of the legal procedures on which a deployment of Italian forces for peacekeeping missions and the like is to be

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[87] Italy has a value of 10 on the Polity scale from 1989 to 2004.
[88] The president needs to consult with the presidents of both chambers and may not dissolve parliament during the last six months of his/her term in office.
[89] For all missions of the Italian Defence Force since 1990 see www.esercito.difesa.it/English/Missions/mix_uno.asp (accessed 5 January 2008).

based. The government tends to make use of a special clause of the constitution, which allows it to issue decrees that have the force of law. Article 77 states that,

> in exceptional cases of necessity and urgency, the Government issues on its own responsibility emergency decrees having force of law, on the same day it shall submit them to the House for conversion into laws. Decrees lose effect as of the day of issue if they are not converted into laws within 60 days of their publication. (Quoted from Houben, 2005: 219)[90]

The use of government decrees for the purpose of deploying military forces has met with resistance in parliament. In response, parliament has attempted to assert a more active role in deployment decisions. Therefore, in 1997 Bill 25/1997 was passed to regulate the participation of troops in military missions short of war (Dieterich et al., 2010). Through this law 'parliament reaffirmed its prerogative to give its approval to all decisions of the Government (Council of Ministers) on defence and security matters prior to their implementation by the competent minister, including the decision to deploy the armed forces' (Luther, 2003: 452). Nonetheless, this did not lead to a lasting clarification of the legal situation. Instead there remains a legal discussion about which rules are to be applied when the government intends to send Italian troops abroad (Brissa, 2005).

This legal debate is reflected in deployment practice. The Italian government has used a number of different instruments to deploy troops (ibid.: 46), and has faced criticism from MPs when it chose ways that excluded parliament. Italian participation in the UN task force in Somalia in 1992–1993 (UNITAF) is a case in point. In October 1992 the Italian government informed the Foreign Affairs Committee of the House of Representatives that Italian forces might be deployed to Somalia. The plenary of the same chamber was informed about the potential deployment and asked for support on 30 November. A few days later, however, and before any debate had taken place in the House of Representatives, government informed both chambers of parliament that it had decided to deploy the troops. This resulted in a controversial debate about whether the deployment decision should have been made only after parliamentary approval (ibid.: 118–121). With respect to the EU-led Concordia mission in Macedonia, the government relied on decrees and parliament played only a marginal role. A government decree was issued on 20 January 2003, which mentioned military units and personnel present in Macedonia and extended their mandate, but without explicit reference to Operation Concordia (Bono, 2005: 212). Parliament was only informed and did not have a chance to vote on the decree. The participation in the reconstruction of Iraq with up to 3,000

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[90] This regulation leads some scholars to conclude that government is free to send military personnel abroad without consulting the parliament (e.g. Siedschlag, 2002: 229).

troops, on the other hand, was voted on, and agreed, by both chambers.[91] All in all, it is not clear who has the power to deploy military troops and personnel abroad. Neither the two articles of the constitution nor the 1997 law clearly allocate competences, and neither lawyers nor decision-makers and MPs appear to have reached consensus on which rules are applicable. Therefore, we are unable to assign a unequivocal value and code Italy as an *inconclusive* case.[92]

4.23   Jamaica, 1989-2004

Like many former British colonies, Jamaica institutionalised a Westminster-type political system after its independence in 1962.[93] The British monarch is formally head of state, represented by a governor-general who largely fulfils ceremonial functions, e.g. the formal appointment of the prime minister and the cabinet ministers. Actual executive power lies with the cabinet, which is headed by the prime minister. The legislature consists of two houses of parliament, the House of Representatives, whose members are directly elected, and the Senate, which comprises 21 appointed members. The prime minister is the leader of the majority party in the House of Representatives.

According to the Jamaica Defence Act, it is the head of state, the Queen represented by the governor-general, who may deploy the armed forces on active service: 'the Governor-General may at any time order that the whole or any part of the Jamaica Defence Force shall be employed out of or beyond Jamaica' (Jamaica Defence Act, part I, section 7). As the governor-general always acts on the recommendation of the executive, this means in practical terms that the Jamaican government is responsible for deploying the armed forces overseas. There is no provision that would require the involvement of parliament in such a decision.

Disaster relief operations have been one area of activity for the Jamaica Defence Force since independence, e.g. a relief operation in 1979 in Dominica after Hurricane David. Moreover, Jamaican troops have participated in two multilateral military operations since 1962. In 1983 troops were sent to Grenada to support Operation Urgent Fury, and in 1994 military personnel were sent overseas to participate in Operation Uphold Democracy in Haiti. In neither case was there a parliamentary debate, nor

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[91]   See *Frankfurter Rundschau* and *Frankfurter Allgemeine Zeitung* of 16 April 2003.
[92]   Dieterich et al. (2010) coded parliamentary war powers in Italy as 'comprehensive'.
[93]   Jamaica has a value of 10 on the Polity scale from 1989 to 1993 and of 9 for the remaining time period.

parliamentary approval.[94] Therefore, Jamaica can clearly be coded as a country in which *ex ante* parliamentary veto power is *absent*.

4.24   Japan, 1989-2004

Japan has developed a highly restrictive approach to the use of military force, which is mainly due to the experience of the Second World War. After this war, Japan was demilitarised and began to develop a stable democracy with the main features of a parliamentary political system. Its prime minister is elected by the House of Representatives, the lower chamber of the bicameral *Diet*; this chamber and the government are closely intertwined, as the House of Representatives is able to dismiss government and government, in turn, can dissolve the house.

As a consequence of Japan's role in the Second World War, the post-War constitution of 1947 contained decidedly anti-militaristic elements. In particular, its article 9 read:

> (1) Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. (2) In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of aggression of the state will not be recognized. (Constitution of Japan, chapter II, article 9)

Nonetheless, Japan created a national police force, which was turned into a military force in the 1950s when the United States withdrew troops from Japan to engage in the Korean War. To govern this newly created Japanese Self Defense Force (SDF) a Self Defense Law was established in 1954. It stipulated that the SDF was only to be used for the self-defence of Japan. Thus, at the time, the executive did not possess the power to send troops abroad for other purposes without a legislative act by the Diet that would have made room for such deployments.[95]

However, after the end of the Cold War and with the rising prominence of peacekeeping operations, the strict rules of the Self Defense Law came under pressure. Several legal revisions were made to permit SDF deployments in multilateral contexts. In particular, a Peacekeeping Law was passed in 1992 and revised in 1998. These laws allowed the deployment of the SDF for certain UN-led operations but required prior approval by the *Diet* in two cases of major importance: self-defence and participation 'in infantry missions of UN peacekeeping operations' (Shibata, 2003: 219). Approval was

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[94]   Personal communication from Captain S. R. Innis, headquarters, Jamaica Defence Force.
[95]   For this and the following paragraph, see Shibata (2003).

not needed if only individuals from the SDF were deployed or if troops were deployed to engage in tasks with a relatively low risk of becoming involved in military action, including 'medical, transportation, and other logistics support activities' (ibid.: 220).

The events of 11 September 2001 triggered further change in Japanese deployment legislation. In October 2001 the *Diet* passed the Anti-Terrorism Special Measures Law, addressing 'measures Japan implements in support of the activities of the armed forces of the United States and other countries… which aim to eradicate the threat of terrorist attacks' and 'measures Japan implements with the humanitarian spirit', based on a UN mandate (Anti-Terrorism Special Measures Law, 2001, article 2, para. 2). It is important to note that 'these measures must not constitute the threat or use of force' (ibid., article 3, para. 2). Concerning parliamentary involvement, article 6 stipulates that the government may make the decision to deploy troops for the measures cited above but has to obtain parliamentary approval within three weeks after the deployment begins:

> (1) The Prime Minister shall put Cooperation Support Activities, Search and Rescue Activities or Assistance to Affected People implemented by the Self-Defense Forces specified in the Basic Plan, within 20 days of their initiation, on the agenda in the Diet for its approval. When the Diet is in recess or when the House of Representatives is dissolved, however, the Prime Minister shall promptly seek its approval upon the convening of the first Diet session thereafter.

> (2) If the Diet disapproves, Cooperation and Support Activities, Search and Rescue Activities or Assistance to Affected People must be promptly terminated. (Anti-Terrorism Special Measures Law, article 6, paras 1 and 2).

On the basis of this law, Japan has sent maritime units to the Indian Ocean as rear-area support to the US troops in Afghanistan (Tidten, 2003: 12) and some 550 non-combat troops to Iraq. The anti-terrorism law is designed as temporary legislation that 'shall, in principle, expire upon the passage of two years after its entry into force' although, if deemed necessary, 'the effect of the law can be extended by no more than two years as set forth by a separate law' (Anti-Terrorism Special Measures Law, article 11, para. 3). This clause was utilised in 2003 to keep the law in force for another two years.

Taken together, we see that the Japanese executive is highly restricted in sending troops abroad although there are increasing numbers of exceptions, i.e. there are more and more cases in which troops may be deployed, including in some cases without prior parliamentary consent. Nonetheless, we would argue that those cases in which no prior parliamentary approval is required still constitute minor exceptions. First, it must be kept in mind that the overall scope of operations to which the SDF can be deployed is still strictly delimited. These are basically operations for self-defence and UN-led

operations. For other operations the SDF deployment must be linked to anti-terrorism measures and, more importantly, may themselves not imply the threat or use of force. All operations beyond this scope are legally prohibited and the government would need the support of the *Diet* to make them possible. This is an abstract yet very effective form of parliamentary veto over a large range of potential operations. Secondly, of those operations that are possible many still require prior parliamentary consent. Those that do not are, once again, measures that do not 'constitute the threat or use of force', and still need to be approved within a few weeks by the *Diet*. We acknowledge that these are recognisable exceptions to the rule of parliamentary veto power, but still judge them as relatively minor, especially when compared to countries that do not possess any parliamentary veto or exclusively *ex post* veto power for the complete range of military operations. Therefore we code Japan as a country in which *ex ante* parliamentary veto power is *present*.

4.25   Lithuania, 1991-2004

Since the international recognition of Lithuania as a sovereign state in August/ September 1991 and the approval of a democratic constitution by the Lithuanian people in 1992, the country is considered to be a stable parliamentary democracy. On the Polity index, Lithuania scores 10 from 1991 until today.[96] The president of the Lithuanian Republic is directly elected for five years and possesses executive competences. He or she nominates the prime minister, yet the government is accountable to parliament, the unicameral *Seimas*. The prime minister needs the approval of the *Seimas* and, like the cabinet ministers, can also be removed from office by parliament (Tauber, 2002).

As Lithuania was one of the first countries to declare independence from the former Soviet Union, in March 1990, Russian troops invaded the country and engaged in an armed confrontation with the Lithuanian independence movement. Only after the Red Army had completely left the country in 1993 did military missions other than the defence of the country enter the agenda. Therefore, we find no legal provisions for military deployments before the constitution entered into force, and code the years 1991 and 1992 as *missing*. The constitution, established in October 1992, contains several articles which detail the role of parliament in deploying military troops. Article 67, for example, states that the *Seimas* 'shall impose direct rule, martial law, and a state of emergency, declare mobilisation, and adopt a decision to use the armed forces' (Constitution of the Republic of Lithuania,

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[96]   See www.systemicpeace.org/polity/Lithuania2007.pdf (accessed 18 March 2009).

article 67(20)). Also chapter 13 of the constitution, which deals with foreign policy and the defence of the state, stipulates that 'the *Seimas* shall impose martial law, announce mobilisation or demobilisation, *adopt a decision to use the armed forces when a need arises to defend the Homeland or to fulfil the international obligations of the State of Lithuania*' (Constitution of the Republic of Lithuania, article 142, emphasis added). This gives parliament veto power over almost any military deployment. It is 'only in the event of an unexpected military attack on the sovereignty or territorial integrity of the Republic [that] the president can decide on the steps necessary to respond to an aggression, e.g. by announcing mobilization' (Dieterich et al., 2008: 19) without the approval of the *Seimas*. However, even then the president must assemble parliament as soon as possible. If parliament votes against the measures taken by the president, they must be immediately abolished (ibid.).

The rules for military deployments are further specified in the 1994 Law on the Participation of Lithuanian Army Units in International Operations. Article 4 of this law stipulates that no more than 500 troops may be deployed for participation in an international operation abroad, and article 6 reiterates the need for parliamentary approval.[97] Since 1994 the law has been amended several times, but the core provisions concerning parliamentary involvement remained unchanged. They also guide deployment practice, as can be seen for example in Lithuania's participation in the EUFOR Althea mission, where even the deployment of a single soldier required prior parliamentary approval (Born et al., 2008: 17). Therefore we code Lithuania as a country in which *ex ante* parliamentary veto power is *present* from 1993 onwards.[98]

4.26   Macedonia, 2002-2004

Macedonia was a target of, rather than a contributor to, peace-support operations for some time. Soon after it had declared independence from Yugoslavia and adopted a constitution in 1991, the UN Security Council authorised the stationing of UNPROFOR troops in Macedonia by its resolution 795(1992) of 11 December 1992 (Vankovska, 2001: 141). After the Kosovo war of 1999 a domestic crisis within Macedonia involving the Albanian minority escalated and was ultimately resolved by a peace accord

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[97]   Following the decision by the *Seimas* of the Republic of Lithuania, Lithuanian Army units may be transferred to the operational command of the UN Security Council and other international organisations, defined by article 3 of this law, to implement international operations on a defined territory for a period of time stated in the decision of the *Seimas* of the Republic of Lithuania. The government of the Republic of Lithuania shall submit a draft decision. In the event of violation of the terms and conditions relating to the transfer of the Lithuanian Army units, as well as in other cases when it is necessary to ensure the interests of the Lithuanian state, such units may be recalled at any time by a decision of the Seimas of the Republic of Lithuania. The decision on participation of Lithuanian Army units in international rescue or humanitarian operations is taken by the government of the Republic of Lithuania.

[98]   This coding concurs with Dieterich et al. (2010), who consider the Lithuanian parliament to have 'comprehensive' war powers.

and an amendment of Macedonia's constitution in 2001. Afterwards Macedonia's Polity score moved up from 6 to 9, so the country is included in our sample from 2002 on.

The president, the prime minister and the cabinet together share executive power in Macedonia (Marshall and Jaggers, 2007e). The president, as the head of state and commander-in-chief of the armed forces, is directly elected for five years. The prime minister, who is responsible for putting together the cabinet, is elected by Macedonia's unicameral *Sobranie*. The *Sobranie* may also dismiss government as a whole from office through a vote of censure (Willemsen, 2002).

The constitution of 1992 only defines provisions for the deployment of the armed forces in a case of war or emergency. Article 124 gives parliament a central role in these cases:

> (2) A state of war is declared by the Assembly by a two-thirds majority vote of the total number of Representatives of the Assembly, on the proposal of the President of the Republic, the Government or at least 30 Representatives.

> (3) If the Assembly cannot meet, the decision on the declaration of a state of war is made by the President of the Republic who submits it to the Assembly for confirmation as soon as it can meet. (Constitution of the Republic of Macedonia, article 124(2)–(3))

Military missions short of war are not mentioned in the constitution, thus a special Defence Law was established in 2001 that deals with the deployment of troops to such missions. According to this law, deployments for peace-support operations are decided by parliament (see also Gareva, 2003: 61).[99] Only decisions concerning deployment for military exercises, training and humanitarian operations may be taken by the government. Thus, except for minor cases, troop deployments are subject to prior parliamentary approval.[100]

Macedonian troops participated in the ISAF mission in Afghanistan in 2002 and the Iraq war in 2003. The country also contributed 23 military personnel to the EUFOR Althea mission, as one of six non-EU member states.[101] All of these deployment decisions were based on article 41(3) of the 2001 Defence

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[99] The relevant section of the Defence Law states: '(2) The decision to send units of the Army outside of the territory of the Republic to participate in military exercises, training and humanitarian operations is made by the Government. (3) The decision to send units of the Army outside of the territory of the Republic to participate in peacekeeping operations is made by the Parliament' (Defence Law – Purified Text, section 41(2)-(3), Skopje, May 2006).

[100] It is important to note that the law also contains a provision to exempt NATO operations from parliamentary approval. This provision will enter into force when Macedonia becomes a NATO member. We owe this information to Saso Kuzmanovski.

[101] See www.euforbih.org/eufor/index.php?option=com_content&task=view&id=145&Itemid=62 (accessed 12 April 2009).

Law and thus made by parliament. We therefore code Macedonia as a country in which *ex ante* parliamentary veto power is *present.*

4.27 Madagascar, 1992-1996

Madagascar (re)gained independence from France in 1960. Twelve years later its first president, Philibert Tsiranana, was toppled by the military after popular unrest. The military erected a one-party system, which came to an end when a new pluralist constitution was adopted in a referendum in 1992. In addition to scrapping references to socialism in the old constitution and making room for multi-party competition, this new constitution significantly constrained the formerly strong powers of the president. Yet the president's role was strengthened again through constitutional reforms in 1995, and after 1996 Madagascar's Polity score, which had risen to 9 in 1992, gradually declined again; the country is thus only represented in our sample for a five-year period.[102]

During the period we consider, Madagascar's president was directly elected for four years. Madagascar's parliament was bicameral, constituted by the National Assembly (with 127 directly elected members) and the Senate (with 90 members, 60 of whom were selected by an electoral college and 30 by the president). Both chambers shared legislative competences and, until 1996, the National Assembly elected the prime minister and was able to remove the government from office through a vote of censure. The prime minister acted as the head of government, while the president's executive competences lay especially in the foreign policy realm.

Executive competences in the defence realm were mainly in the hand of the president. S/he was the supreme head of the armed forces and presided over the Superior Council of National Defence (Constitution of Madagascar, article 55(1)). Most importantly for our purpose, the constitution also stated that the president,

> shall decide upon the commitment of armed forces and resources in foreign interventions, after consulting the Superior Council of National Defence, the Council of Ministers, and the Parliament. (Constitution of Madagascar, article 55(2))

Parliament thus had the right to be consulted before troops were deployed, but it did not have the right to pass a binding vote on the president's deployment intentions. Therefore we classify Madagascar as a country without *ex ante* parliamentary veto power.

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[102] Polity scores went down to 8 in 1997 and to 7 thereafter.

4.28 Mongolia, 1992-2004

Mongolia's transformation from a communist one-party system to a pluralist democracy began with public protests in late 1989. Important further steps in the transition to democracy were the first multi-party elections in 1990 and the entry into force of a new constitution in February 1992. From that year on, the country is present in our sample, as its Polity score went up from 2 to 9 in 1992 and increased further to the maximum value of 10 in 1996 when the opposition took over power after the second parliamentary elections under the new constitution.

Executive power in Mongolia is shared by the prime minister and the president. The latter is directly elected and acts as the commander-in-chief of the armed forces and the head of the National Security Council. The president may also veto legislation, yet this veto may be overruled by a two-thirds majority of the legislature, the Great Hural. The Great Hural is a unicameral parliament consisting of 76 directly elected members. Parliament elects the prime minister, after a proposal by the president, and votes on the ministers, who are nominated by the prime minister after consultation with the president (Marshall and Jaggers, 2007f).

While the Mongolian military had been 'nearly identical to the Soviet military and heavily focused on linear warfare' during the East–West conflict (Mendee, 2007: 5), it was fundamentally reorganised after the end of the Cold War. According to the new constitution of 1992 the armed forces could be deployed only under highly restrictive circumstances. In particular, the constitution stipulated that the armed forces would only be used for self-defence (ibid.: 6). Furthermore, article 25 of the constitution states that it is *parliament's* prerogative,

> to declare a state of war in case the sovereignty and independence of the state are threatened by armed actions on the part of a foreign power, and to abate it. (Constitution of Mongolia, article 25(1))

The same article also empowers parliament to declare a state of war or emergency when natural disasters or civil strife require the use of the military domestically (article 25(2f)). The constitution does not provide for the use of the armed forces under other circumstances, especially not for participation in multilateral operations abroad. Consequently, Mongolia did not participate in multilateral operations during the 1990s, but the question of whether it should take part in such operations was increasingly discussed domestically. Growing public support and an emerging consensus among political leaders and parties in favour of participation in UN peacekeeping operations eventually led to the formulation of a special law that was passed by parliament in 2002.

The law regulates the deployment of military and police personnel to participate in UN and non-UN missions (Mendee, 2007: 8).[103] According to this law, the deployment of military forces for such operations is, by and large, a matter of executive discretion. A requirement for parliament to approve of the executive's decision to deploy military personnel is not mentioned. Instead, article 4(1.1) gives the competence to decide over the deployment of military and police personnel to the government, which acts on the recommendation of the National Security Council. The involvement of the National Security Council gives parliament an opportunity to make its voice heard in the decision-making process, as the speaker of parliament is a voting member of the council. Moreover, there are additional channels through which parliament may acquire information and influence decision-making on troop deployment. Government is obliged to inform parliament about deployments and ongoing missions abroad on a regular basis. Also, parliament's standing committee on security and foreign policy is involved in the initial and mid-stage planning of troop deployment and may ask for information about executive decisions. Thus executive decision-making is not insulated from parliamentary influence, yet this does not boil down to actual *ex ante* parliamentary veto power over military deployments.

After the Law on Deployment of Military and Police Personnel to the United Nations Peacekeeping and Other International Operations had entered into force, Mongolia for the first time contributed to an international peacekeeping mission by sending two military observers to the UN mission in the Democratic Republic of Congo in 2002 (ibid.: 10). Since then Mongolia has contributed to several operations, e.g. the UN Mission in Liberia and the NATO mission in Kosovo (KFOR). Moreover, Mongolia has also participated in the Iraq war by sending 900 military personnel since May 2003 (ibid.: 11).

As the 2002 law does not provide for a parliamentary veto over troop deployments, we classify Mongolia as a country in which *ex ante* parliamentary veto power is *absent* since 2002. As such deployments had not occurred and had not been regulated by law before that year, we code the level of parliamentary control as *missing* for the years 1992 to 2001.

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[103] We are greatly indebted to Jargalsaikhan Mendee for providing us with information about the decision-making process and an unofficial English translation of this Law on Deployment of Military and Police Personnel to the United Nations Peacekeeping and Other International Operations.

4.29 Netherlands, 1989-2004

The Netherlands is a constitutional monarchy.[104] The bicameral parliament, the *Staten-Generaal*, consists of the First Chamber, which is elected by the regional councils, and the Second Chamber, elected by popular vote. The prime minister and ministers are appointed by the monarch after often lengthy consultations within the Second Chamber. The Dutch political system has been characterised as consociational, with strong emphasis on consensus-building among elites. This is reflected in the rather weak position of the prime minister, who acts primarily as an 'arbitrator' and needs to be skilled in mediation between the different groups within the government. This has also led to a stronger emphasis on informal rules in politics. There is no formal vote on a new government, nor can parliament formally force a government to resign. Nonetheless, there is a common understanding that government will resign when a bill of major importance is defeated in parliament (Timmermans and Andeweg, 2004; Lepzsy, 1999).

Concerning the deployment of troops, there is also no clear-cut division of competences. The role of the *Staten-Generaal* in deploying troops has been fiercely debated. The debate started with the government's decision to participate in the UNIFIL peacekeeping mission in the south of Lebanon in the 1970s. The government arrived at its decision to deploy a battalion with many conscripts behind closed doors (Houben, 2005: 62ff). This provoked protest by many MPs, who demanded a better consultation mechanism for such decisions. By the late 1980s, after several years of debate about such a procedure, 'it had become political practice for the government to consult Parliament on the basis of a letter sent by the government to Parliament, in which the government specified and explained the mission and circumstances, the personnel and materials to be deployed, and the financial consequence' (ibid.: 63ff). Thus, although there was no formal vote of the parliament, the government always clearly laid out its plans in advance. This practice became well rehearsed, as the Netherlands has since 1989 become a frequent contributor to multilateral operations. Dutch forces participated, for example, in the ISAF mission in Afghanistan and the EUFOR Althea mission in Bosnia and Herzegovina.[105]

While the consultation procedure was not legally binding for several years, the political practice became formalised in 2000 when a new article was introduced to the Dutch constitution. Article 100 now obliges government to inform the *Staten-Generaal* in advance of any military mission abroad. This 'shall not apply if compelling reasons exist to prevent the provision of

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[104] The Netherlands has a score of 10 in the Polity IV database for the entire period we study.
[105] For more information about present and past operations of the Dutch military see
www.defensie.nl/missies/uitgezonden_militairen/ (accessed 26 February 2009).

information in advance. In this event, information shall be supplied as soon as possible' (van Schooten and Werner, 2002: 58). This results in a situation in which parliament is involved in decision-making prior to military deployments through information from and consultation with government, but does not possess formal veto power.[106] Due to this lack of formal power we code the Netherlands as a country in which *ex ante* parliamentary veto power is *absent*.

4.30 New Zealand, 1989-2004

New Zealand was part of the British Empire until 1947 and, as is the case with many former British colonies, its political institutions are basically designed after the British model.[107] Like the United Kingdom, New Zealand did not have one fundamental constitutional document for many years. This changed in 1986 when the Constitution Act was passed. This is still a rather lean document which merely outlines the basic set-up of New Zealand's political system. The British sovereign is New Zealand's head of state and is represented by a governor-general. In practice, the latter mainly plays a formal role and acts only in accordance with the advice of the government. The government itself is led by a prime minister, elected by the House of Representatives, New Zealand's unicameral parliament. The government is accountable to the house and may be dismissed from office through a vote of no confidence, while the prime minister, in turn, may dissolve the house and call parliamentary elections (Wood and Rudd, 2004).

As there is no detailed constitutional document and no specific deployment law, the deployment rules must be gleaned from legal practice. New Zealand is quite actively involved in international operations. It contributed, for example, to ISAF in Afghanistan, UN missions in Timor-Leste (UNMIT) and Kosovo (UNMIK), the stabilisation operation in the Solomon Islands (RAMSI) and the Multinational Force and Observers in Sinai (MFO). New Zealand's deployment practice also basically resembles the British role model. The commander-in-chief of the armed forces is the governor-general and 'by statute, the armed forces "are under Ministerial authority"' (ibid.: 23). Actual decision-making power over deployments of the New Zealand Defence Force thus lies with the cabinet. There is no legal obligation to gain parliamentary consent prior to deploying troops.[108] Nonetheless, parliament regularly discusses deployments and signals its support for operations, as government is usually interested in securing a broad consensus on deployments across party lines. This is not to say, however, that government

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[106] See also Dieterich et al. (2010), who code the Dutch parliament's war powers as 'selective'.
[107] New Zealand's score in the Polity IV database is 10 throughout the entire period we cover.
[108] We owe information about deployment decision-making to the embassy of New Zealand in Germany.

would not have the legal freedom to send troops overseas without consulting parliament first, as was demonstrated on a small scale by Prime Minister Kirk in 1972 when he sent a frigate to the Mururoa Atoll to protest against French nuclear tests without prior parliamentary debate. As there is no legal obligation to gain parliament's approval before troops are sent abroad, we code New Zealand as a country in which *ex ante* parliamentary veto power is *absent*.

4.31   Norway, 1989-2004

The original Norwegian constitution was established in 1814 and is 'the oldest living codified constitution in Europe and indeed second only to that of the United States in the democratic world' (Strøm and Narud, 2004: 523). According to the constitution, the *Storting*, Norway's parliament, is divided into the *Odelsting* (comprising three-quarters of MPs) and the *Lagting* (with one-quarter of MPs), yet as these two 'chambers' are not independently elected and this division has no influence on legislation, the *Storting* does not constitute a bicameral parliament. The prime minister is nominated by the King, in concurrence with the position of the parliamentary parties' leaders. There is no formal parliamentary vote to approve the government, but the *Storting* has the power to dismiss the government or single ministers by simple majority (ibid.).

The constitutional rules regarding military deployments reflect particular nineteenth-century concerns:

> the King is Commander-in-Chief of the land and naval forces of the Realm. These forces may not be increased or reduced without the consent of the *Storting*. They may not be transferred to the service of foreign powers, nor may the military forces of any foreign power, except auxiliary forces assisting against hostile attack, be brought into the Realm without the consent of the *Storting*.

> The territorial army and the other troops which cannot be classed as troops of the line must never, without the consent of the Storting, be employed outside the borders of the Realm. (Constitution of Norway, article 25)

Today, the King's prerogatives are exercised by the Council of State, i.e. the government (Nustad and Thune, 2003: 162). The reference to the 'territorial army and the other troops which cannot be classed as troops of the line' is a peculiarity that dates back to the Norwegian union with Sweden (1814–1905). At that time the parliament of Norway aimed to ensure that the Swedish King could not send Norwegian troops abroad without the consent of parliament.[109] This provision is no longer applicable to modern

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[109]   We are indebted to Ståle Ulrichsen for help in interpreting this provision.

international crisis management operations, to which Norway, as a NATO member, is a frequent contributor. In addition to a large number of UN peacekeeping missions, Norway also participated in Operation Allied Force in 1999 and the operation following the Iraq war of 2003. In such cases 'the *Storting* does not have a formal right to consent' (Houben, 2005: 108). Usually, though, the government consults parliament, and parliament's position has regularly been the basis for further policy decisions (ibid.).[110]

With respect to individual operations the position of parliament may therefore substantially affect the government's decision on whether or not to deploy troops. There are two problems, however, due to which this procedure cannot be regarded as equivalent to formal parliamentary veto power. First, legally speaking, the consultation of parliament and parliament's influence on policy decisions are still at the government's discretion. Secondly, the consultation procedure itself is characterised by a lack of transparency. The key role in consultation is played by the Enlarged Foreign Policy Committee, and the committee's 'documents and debate are all exempt from the public, and it is up to the head of the Foreign Policy Committee to decide whether the meetings are to be kept secret' (Nustad and Thune, 2003: 163). Both points make for a substantial difference between the Storting's competences and those of a parliament in which the plenary possesses full-blown veto power over military deployments. Thus we classify Norway as a country in which *ex ante* parliamentary veto power is *absent*.

4.32   Papua New Guinea, 1989-2004

Papua New Guinea received full independence from the Australian colonial administration in 1975. Especially in the 1990s, the country has suffered from intra-state conflict related to the island of Bougainville's strive for independence, which escalated into an intra-state war. The war ended in January 1998 with an agreement that put both sides under the obligation to search for a peaceful solution; this resulted in a peace agreement in 2001 which gave Bougainville the status of an autonomous province and may ultimately lead to a referendum on independence. Despite this conflict, Papua New Guinea's Polity scores indicate the stability of the democratic institutions, as the country continues to receive the maximum value of 10 since the year of its independence.

The political institutions are built basically after the model of the early colonial power, Britain. The British sovereign is still head of state and

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[110]   Also, 'the budgetary authority of parliament will often require legislative consent prior to deployment' (Nustad and Thune, 2003: 163).

represented by a governor-general, who ceremonially holds the head of state position but acts only on, and in accordance with, the advice of the government. The prime minister is elected by the unicameral National Parliament and selects the cabinet members from among the MPs. The cabinet, the National Executive Council, is accountable to the National Parliament. Votes of no confidence are used rather frequently in Papua New Guinea – since 1997 alone three prime ministers have been forced to resign from office (Marshall and Jaggers, 2007g).

What stands in contrast to the political institutions of the former colonial power is the comparatively strong position of parliament when it comes to the deployment of the armed forces. The National Executive Council can only make use of the armed forces (through the governor-general) if parliament consents:

> The Defence Force or a part of the Defence Force may not be ordered on, or committed to –
>
> (*a*) active service; or
>
> (*b*) an international peace-keeping or relief operation, outside the country without the prior approval of the Parliament. (Constitution of the Independent State of Papua New Guinea, article 205(2))

Parliament thus enjoys a general veto power over military deployments. The Papua New Guinea Defence Force (PNGDF) has until now not contributed to UN-led operations, although 'In September 1988, Foreign Minister Somare offered Papua New Guinea troops for United Nations Peacekeeping Operations' (Saffu, 1991: 226).[111] It has been involved, however, in internal fighting with rebels in Bougainville. When the rebels aimed to join Bougainville to the Solomon Islands in the 1990s, this resulted in two militarised inter-state conflicts in which troops were dispatched in 1993 and 1996. Moreover, Papua New Guinea contributed to the Regional Assistance Mission to the Solomon Islands (RAMSI), which is a multinational effort to stabilise the country under a mandate from the Solomon Islands themselves. As these deployments were constitutionally dependent on the consent of parliament, we classify Papua New Guinea as a country in which *ex ante* parliamentary veto power is *present*.

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[111] Before Papua New Guinea starts to contribute to such operations, deployment legislation is likely to change. At the time of writing, 'Troop Abroad Legislation' was under consideration which was to create the organisational basis for the PNGDF to engage in UN-led operations. See PNGDF: Fulfillment of International Obligations, at www.defence.gov.pg/core_services/cs_fulfilment_obligations.html (accessed 9 July 2009).

4.33 Peru, 2001-2004

In the past 26 years the political system of Peru has been quite unstable and democracy could only take root after a military regime (1968–1980), a civil war (1980–1992) and a period of autocratic rule by Alberto Fujimori (1992–2000). After the overthrow of Fujimori in 2000 an interim government under Valentín Paniagua was installed,[112] and, since the first free and fair elections in April 2001, Peru can be considered a democracy. This can also be seen in its Polity score, which moved up from 3 (until 1999) to 9 (since 2001). The Peruvian executive is headed by a president, who controls government policy and appoints the head of government. Cabinet members are elected by the head of government. However, cabinet members are individually responsible to Peru's unicameral parliament, Congress, which may force them (but not the president) to resign through a vote of no confidence (Mücke, 2008: 501).

Peru's president generally holds a strong position, and this extends to the security realm. According to the 1993 constitution, the president is responsible for the defence of the country and has the right to 'adopt the necessary means'[113] to achieve this end (Constitution of the Republic of Peru, article 118(15)). War, however, may only be declared with the consent of Congress. In the case of participation of Peru's armed forces in missions outside the national territory, the constitution does not provide for a veto right of Congress. Even though the constitution explicitly states that parliament has to agree before foreign troops enter national territory, there is no comparable provision for the deployment of Peruvian troops abroad (ibid., article 102(7)). Nor do other laws provide for a parliamentary role in deployment decisions.[114]

Consequently, Congress enjoys no veto position in either deployment law or deployment practice. Peru's forces have participated in several multinational missions. The largest contingent by far was sent to Haiti in 2004 and numbered 210 soldiers. The deployment decision was made by President Alejandro Toledo, and there is no indication that parliament had a say in this decision. Thus, we code Peru as a country in which *ex ante* parliamentary veto power is *absent*.

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[112] The 1993 constitution was only modified, not abandoned, in 2000, as Fujimori's rule had not been fully based on this constitution.

[113] Translation by Christian Weber.

[114] The constitutional reforms between 1995 and 2005 have not brought about any changes or specifications in the respective articles 102(8) and 118(15f). See also Ley de Sistema de Seguridad y Defensa Nacional, passed on 23 March 2005.

4.34 Poland, 1995-2004[115]

Poland went through a complex transition process after the end of the Cold War. This is reflected in its scores on the Polity IV scale, which move gradually from 5 (1989–1990) to 8 (1991–1994), 9 (the threshold value for inclusion in our sample, 1995–2001) and finally 10 (since 2002). Formal regime change began with the creation of a round-table that institutionalised dialogue between the old communist elite and the opposition. Important changes were introduced and led to the establishment of a 'small constitution' in 1992 (Ziemer and Matthes, 2004: 192–193). This constitution brought the establishment of a parliamentary democracy with elements of presidentialism. A new constitution in 1997 clarified the relation between the different institutions and, in particular, weakened the position of the president. The bicameral Polish parliament, the National Assembly, consists of a lower house, the *Sejm*, and the Senate as the upper house. The president is directly elected since 1992, and appoints a prime minister who, together with the cabinet ministers, is accountable to parliament. The *Sejm* approves the prime minister and may dismiss the government or single ministers from office through a vote of no confidence (Marshall and Jaggers, 2007h).

The rules for parliamentary involvement in military deployment decisions were not formalised until 1998. Civilian control over the armed forces was a thorny issue during the transition process, not least because the country had experienced several years of military rule during the Cold War. In the debate leading to the 1997 constitution 'there emerged eight draft provisions pertaining to civil and democratic control for the future Constitution' (Wagrowska, 2008). These draft provisions, submitted in spring 1996, formed the basis for the constitutional regulation of civil and democratic control of the armed forces. Most importantly for our purpose, the 1997 constitution made it the prerogative of the *Sejm* to declare 'a state of war and the conclusion of peace' (Constitution of the Republic of Poland, article 116(1)). Military missions short of war are not mentioned in the constitution; instead, it leaves the issue for further specification by specific regulations:

> The principles for deployment of the Armed Forces beyond the borders of the Republic of Poland shall be specified by a ratified international agreement or by statute. The principles for the presence of foreign troops on the territory of the Republic of Poland and the principles for their movement within that territory shall be specified by ratified agreements or statutes. (Constitution of the Republic of Poland, article 117)

The required statute was established in February 1998.[116] It was valid only until the end of that year, but was renewed in December 1998 (see Kowalski,

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2003: 58).[117] Concerning parliamentary participation in deployment decisions, the statute basically formalised the procedures that had been in place before. Accordingly, the *Sejm* has to be immediately informed after a deployment decision has been made by the government, but 'parliament is not directly involved in making the decision concerning the deployment of the armed forces' (ibid.: 672; cf. also Schmidt-Radefeldt, 2005: 148). The law enables the president to decide over deployment upon a motion of the Council of Ministers or the prime minister. If the president decides to deploy troops, s/he must 'immediately inform' the speakers of the *Sejm* and the Senate.

In accordance with this legal situation, the Polish parliament played only a marginal role in deployment practice throughout the period we study. Consider, for example, Polish participation in the elite GROM (Operational Mobile Reaction Group) commando unit in Haiti in 1994 and in SFOR since 1995, where the decisions to participate were taken at the executive level. The government decisions were 'based on arrangements made by the foreign affairs, national defence and finance ministries' (Wagrowska, 2008) and parliament's position was not even considered in the process. In the case of the Iraq war in 2003, the Council of Ministers first expressed support for participation; then delivered a motion to the president 'requesting him to issue a resolution to deploy a Polish military contingent' (ibid.). Finally, on 17 March, the president decided to send troops to participate in the multinational coalition. Parliament approved the president's decision, but only *ex post* through a debate held in the *Sejm* in April 2003, where 328 MPs voted in favour of the mission and 71 MPs from smaller opposition groupings against(ibid.).

Consequently, we code Poland as a country in which *ex ante* parliamentary veto power is *absent*.[118]

4.35   Portugal, 1989-2004[119]

Authoritarian rule in Portugal under António de Oliveira Salazar and his successor Marcello Caetano came to an end through a popularly supported military coup, the Carnation Revolution, in 1974. After a period of

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[116] Ustawa z dnia 17 grudnia 1998 r. o zasadach użycia lub pobytu Sił Zbrojnych Rzeczpospolitej Polskiej poza granicami państwa *(*Statute Concerning the Rules on the Deployment and Stationing of Polish Armed Forces Abroad, 17 December 1998, ZUPSZ).

[117] Whereas the stationing of armed forces includes military training or manoeuvres, rescue, search and humanitarian missions and representative events, deployment means their presence abroad in order to take part in armed conflict or the support of the forces of an allied state or states; peace operations; or missions against terror attacks or their effects.

[118] Our findings concur with the coding in the *paks* project that considers parliamentary war powers in Poland to be 'basic' (Dieterich et al., 2010).

[119] This chapter draws on de Carvalho Narciso (2009).

transition, free and fair elections were held and a democratic constitution was established in 1976. Since then, Portugal has developed into a stable democracy.[120] Its political system has all the main features of a parliamentary democracy. The unicameral parliament, the *Assembleia da República* (Assembly of the Republic), elects the prime minister and may remove the government from office through a vote of no confidence. Portugal also has a directly elected president who holds some executive powers and may for example call parliamentary elections[121] (Neto, 2004).

The Portuguese parliament has a strong position when it comes to declarations of war, as the constitution accords it the power to 'authorise the President of the Republic to declare war and to make peace' (Constitution of the Republic of Portugal, article 161m). However, this parliamentary veto power does not extend to other types of military deployment. If no declaration of war is made, prior parliamentary approval is not required (Born and Urscheler, 2004: 63; Born and Hänggi, 2005: 206).[122] In these cases it is only *after* a deployment has been made that the Assembly enjoys the power to control executive action. This has been increasingly clarified in law since the mid-1990s. In 1997 a constitutional amendment was made to give parliament the power to 'monitor... the involvement of Portuguese military contingents abroad'.[123] Furthermore, a new law[124] was passed in 2003 to clarify parliamentary involvement in military operations (de Carvalho Narciso, 2009: 3). This law stipulates that the government has to communicate to parliament its decision to deploy troops,[125] but it does not contain any requirement for prior consultation with or approval by parliament (see also Dieterich et al., 2010).

While there is no co-decision or veto power of parliament, there is some opportunity for involvement of parliamentarians at an earlier stage of the decision-making process through a consultative body, the Superior Council of National Defence, that was established by the Law on National Defence and the Armed Forces in 1982.[126] The council includes (besides the president, the prime minister and several regional representatives and representatives of the armed forces) the president of the Assembly's Defence Committee and two additional MPs. It does not have competences that relate specifically to

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[120] Portugal's score in the Polity IV database increased to 9 in 1976, and it has a value of 10 since 1982.
[121] The president is not allowed to dissolve parliament in the first six months after his/her election or the last six months before his/her term ends (Neto, 2004: 559).
[122] This is not needed for military missions under the auspices of the United Nations, NATO and the EU.
[123] Monitoring usually takes place through 'reports made by the government which shall be presented to the Assembly of the Republic each six months and when the mission is over (within a period of 60 days)' (de Carvalho Narciso, 2009: 4).
[124] Lei que regula o acompanhamento, pela Assembleia da República, do envolvimento de contingentes militares portugueses no estrangeiro (Law Regulating the Monitoring of the Engagement of Portuguese Military Contingents Abroad by the Assembly of the Republic – Law 46/2003 of 22 August), available at http://dre.pt/pdfgratis/2003/08/193A00.pdf (accessed 7 May 2009).
[125] Law 46/2003, article 3.
[126] Lei de defesa nacional e das forças armadas (Law on National Defence and the Armed Forces – Law 29/82 of 11 December), available at http://dre.pt/pdfgratis/1982/12/28500.pdf (accessed 7 July 2009).

decision-making prior to military deployments, however, and even though it may provide a channel to influence executive decisions, it is a highly '"governmentalized" organ as at least half of its members are members of the government or from the same party' (de Carvalho Narciso, 2009: 2).

In practice, even though parliament does not possess decision-making competences prior to military deployments, the Portuguese government has usually tried to ensure a broad consensus on any deployment of the armed forces. In 2003, for instance, the government was ready to contribute troops to the US-led coalition against Iraq. As the president was against military involvement without a UN mandate, the government decided to downgrade Portuguese involvement and send only gendarmerie forces. Similarly, the government shied back from full-scale engagement in the Kosovo war, as there was controversy within government and among the political parties on such a deployment. Consequently, the government decided to send three F-16 jets, which would be involved in escort and patrol operations but not in combat (ibid.: 5). Nonetheless, parliament does not hold a veto position when it comes to deciding on military deployments, and so we classify Portugal as a country in which *ex ante* parliamentary veto power is *absent*. [127]

4.36   Romania, 2004

Romania has lived through a troubled period of transition to democracy after the Ceaucescu government was toppled in 1989. During the presidency of Ion Iliescu, which lasted until 1996, autocratic practices of government were not completely overcome and only since then could a consolidation of democracy be recognised. This is reflected in the country's Polity scores, which, after improving to 8 in 1996, reach the threshold value of 9 for inclusion in our sample only in 2004, the very last year of the period we study.

Romania has a parliamentary political system with a directly elected president, who has some executive competences in foreign and security affairs and acts as the supreme commander of the armed forces. The bicameral parliament consists of the Chamber of Deputies and the Senate, which are endowed with almost identical legislative powers. Parliament needs to approve the prime minister nominated by the president before the government can take office, and may also remove the government from office through a vote of censure (Gabanyi, 2002).

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[127] Our findings concur with the coding in the *paks* project that considers parliamentary war powers in Portugal to be 'basic' (Dieterich et al., 2010).

Until 2003 the Romanian parliament had a very strong position when it came to deploying the armed forces abroad, as prior parliamentary approval was required for all international operations. Yet in the context of Romania's accession to NATO, government considered the procedure to be too cumbersome and NATO officials questioned whether the armed forces were rapidly deployable. As a consequence, parliament passed a new law which largely sidelines parliament during decision-making about military deployments. In most cases the president can now deploy troops and must only inform parliament about the deployment within five days. Only in cases in which troops are not deployed on the basis of an international treaty to which Romania is a party is prior parliamentary approval still required (Born et al., 2008: 24). The rationale for this procedure is that the decision to participate in operations outside the framework of NATO and the EU has more potential to cause political disputes, so parliamentary involvement in the decision-making process has to be preserved. Yet European security and defence policy (ESDP) as well as NATO operations are excluded from parliamentary *ex ante* control. As Born et al. (ibid.) demonstrate, for instance, parliament is 'neither consulted nor requested to approve national participation in ESDP operations'. Since 2004 parliament is only informed through a letter from the president, in which the decision to send military personnel abroad is stated and which is usually read to the parliamentarians at the beginning of a plenary session (ibid.: 25). The only way to influence the executive's decision is via the budget proposals, which have to be approved by the parliamentary Defence and Budget Committees. Nevertheless, changes are 'rarely significant' (ibid.: 24) and, in practice, no amendments have been enforced via budget proposals.

As Romania is in our sample only in the year 2004, we code it as a country in which *ex ante* parliamentary veto power is *absent* for this period.

4.37   Slovakia, 1998-2004

Slovakia emerged, like the Czech Republic, from the dissolution of Czechoslovakia in 1993. The country passed through a period of democratic transition and scores 9 on the Polity scale since 1998. The legislature consists of a unicameral parliament, the National Council, whose 150 members are directly elected for four years. The president of the Slovak Republic, who acts as the head of state, was elected by the National Council until 1999, but a constitutional amendment in 1998 established a process of direct popular election (Kipke, 2002: 276). The president's responsibilities include the representation of the country abroad, acting as the commander-in-chief of the armed forces and nominating the prime minister. The prime minister and

cabinet members need to be approved by the National Council, which may also dismiss them from office through a vote of no confidence (ibid.: 280; Dieterich et al., 2010).

When Slovakia became independent, the constitution provided for strong parliamentary involvement in military deployment decisions. It stipulated that the National Council had to give its approval before armed forces could be sent on military missions (see also Bulik, 1998: 45). According to article 86 of the 1992 constitution, the jurisdiction of the National Council comprises, above all:

> k) deciding on the declaration of war if the Slovak Republic is attacked or as a result of commitments arising from international treaties on common defence against aggression,
>
> l) expressing consent to sending armed forces outside the territory of the Slovak Republic.

However, when Slovakia prepared for accession to NATO and the EU (which were eventually achieved in 2004), important changes to these arrangements were made (Simon, 2004: 219). A constitutional amendment of 23 February 2001 granted the government more discretion over deployment decisions.[128] In particular, two new paragraphs were added to article 119. Government competences were now defined as follows:

> The Government shall decide collectively... o) on despatching the military forces outside of the territory of the Slovak Republic for the purpose of humanitarian aid, military exercises or peace observing missions, on the consent with the presence of foreign military forces on the territory of the Slovak Republic for the purpose of humanitarian aid, military exercises or peace observer missions, on consent with the passing of the territory of the Slovak Republic by foreign military forces, p) on despatching the military forces outside of the territory of the Slovak Republic if it regards performance of obligations resulting from international treaties on joint defence against attack for a maximum period of 60 days; the Government shall announce this decision without undue delay to the National Council of the Slovak Republic. (Constitution of the Republic of Slovakia, 2001, article 119(o)–(p))

To complement this, article 86 was amended in 2001 as well and now reads: 'The powers of the National Council of the Slovak Republic shall be particularly to... k) give consent for despatching the military forces outside of the territory of the Slovak Republic, *if it does not concern a case stated in Art. 119, letter p*' (Constitution of the Republic of Slovakia 2001, article 86(k), emphasis added). Thus, from 2001 on, the executive has much wider scope to decide autonomously on military deployments. In cases of article 119(p) it needs to inform parliament about the deployment, but even then parliament has no ability to directly affect decision-making.

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[128]   We owe this information to Stefan Marschall.

Slovakia has been a frequent contributor to multilateral military operations before and after the constitutional changes. The country sent troops, for example, to both SFOR and KFOR missions and also joined the 'coalition of the willing' in the US-led war against Iraq. Reflecting the constitutional modifications of 2001, we code *ex ante* parliamentary control to be *present* for the time period from 1998 to 2000 and *absent* from 2001 onwards. [129]

4.38 Slovenia, 1991-2004

Together with Croatia, Slovenia was the first country to declare its independence from Yugoslavia after 1990. In comparison with the other successor states of Yugoslavia, however, the process of gaining sovereignty and the democratic transition within Slovenia went relatively smoothly. The country received the highest score of 10 on the Polity scale from 1991 on, i.e. since the year it became independent and its constitution entered into force. Slovenia's political system can be characterised as a parliamentary democracy with a popularly elected president as head of state. Its parliament is in principle bicameral, yet legislative powers are exclusively vested in the National Assembly; the second chamber, the National Council, has only advisory functions. The prime minister is nominated by the president and needs the approval of the National Assembly, which also has the power to replace him or her by a constructive vote of no confidence.

The National Assembly enjoys veto power over military deployments, but only in the case of all-out war. Article 92 of the Slovenian constitution gives the National Assembly the right to declare war, after a governmental proposal, and stipulates that in this case 'the National Assembly decides on the use of the defence forces' (Constitution of Slovenia, article 92(1f)). This does not imply, however, equivalent competences when missions short of war are concerned. Rather, there was a common understanding at the time that, should military missions other than war enter the agenda, it would be up to the government to make a deployment decision.[130] This was later explicitly set down in the Law on Defence, adopted on 20 December 1994. Most importantly, article 84(3) of this law says that 'the government shall decide on the level of participation of the Slovenian Army in fulfilling the obligations assumed with international organisations treaties'.

The stipulations of the Law on Defence can be read as an attempt to give the government a high degree of flexibility in engaging in multinational military activities. This room for executive action has been used several times, and

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[129] For 2003, Dieterich et al. (2010) coded the Slovak parliament's war powers as 'deferred'.
[130] Personal communications from Ljubica Jelusic and Vladimir Prebilic. We are indebted to both for background information on the legal situation and the Slovenian decision-making process.

Slovenia's troop deployments between 1991 and 2004 usually did not require prior parliamentary approval. Concerning, for example, the EUFOR Althea mission, to which Slovenia contributed 80 military personnel, parliamentary oversight was confined to a debate in the Defence Committee (Born et al., 2007: 71). The National Assembly was more intensively involved in the decision to contribute to the ISAF force. In 2003 Slovenia received a request to participate in the ISAF mission in Afghanistan. As the government was not sure how to react, it passed the request on to parliament, where the mission and Slovenian participation were debated for almost a year. In 2004 the government finally decided to contribute some troops to ISAF, but added a number of caveats that had come up as concerns in parliamentary discussions. Thus parliament was able to affect the executive decision, yet in this case as in others there was no need for formal approval and thus also no veto power of parliament. Consequently we classify Slovenia as a country in which *ex ante* parliamentary veto power is *absent*.[131]

4.39   South Africa, 1994-2004[132]

The first democratic elections in South Africa after the end of the apartheid regime took place in 1994. Since then, South Africa consistently has a score of 9 in the Polity IV database. However, definite legal rules for external troop deployments were established only somewhat later, namely in the South African constitution which succeeded the interim constitution of 1993 and came into force in February 1997.

The constitution established a parliamentary system of rule with a president as head of government. The president is elected by parliament and may be dismissed from office through a vote of no confidence. Concerning the armed forces, an important goal in drafting the new constitution was to strengthen civilian control over the military, as one of the roles of the South African armed forces during apartheid had been the repression of opposition to the regime (Griffith, 2008: 93). The constitution establishes the president as the commander-in-chief of the South African National Defence Force (SANDF): s/he appoints the military command and also holds the power to deploy the armed forces. According to the constitution, the armed forces

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[131] Thus we arrive at a conclusion that significantly deviates from the assessment of Dieterich et al. (2010), who argue that parliament has the 'power to block deployment plans of the government' and classify Slovenia as a country with 'comprehensive' parliamentary war powers. As argued above, and since our focus is on operations short of war, our judgement is based on article 84(3) of the Defence Law in conjunction with the apparent lack of parliamentary involvement in deployments for ESDP operations (as found by Born et al., 2007) and personal communication with experts as cited above. Our assessment also reflects the survey answers Born et al. received from staff members of Slovenian parliamentary committees, who strongly disagreed with the proposition that 'my parliament has the power to approve or to reject national participation in ESDP missions, before these missions are launched'.

[132] This section is based von Soest (2008b).

may be deployed in three cases: for the defence of the republic; in cooperation with the police service; and in fulfilment of an international obligation (e.g. international peace missions) (South African Constitution, sections 201(1), 202(2)). The constitution also stipulates that parliament must be informed about the reason, the place, the number of soldiers involved and the time period of the military mission, yet there exists no formal provision to regulate the involvement of parliament in the decision-making process prior to the deployment of troops.

For some cases, parliamentary rights became specified through the Defence Act of 2002. It posits that parliament has to be promptly informed, no later than seven days after the executive's decision, about certain SANDF deployments.[133] Stronger parliamentary rights are suggested by two white papers issued by the South African government in 1996 and 1998.[134] They describe parliamentary powers which appear significantly stronger than those in the constitution. In particular, they state that parliament has the right to review presidential decisions to deploy the SANDF, suggesting that parliament possesses a veto right over military deployments (Republic of South Africa, 1996: 3, section 2.5, 4; Department of Foreign Affairs, 1998: section 7.3; see also von Soest, 2008b: 1). The white papers, however, have no formal legal status. Their purpose is primarily to provide guidelines for future policy and legislation (Modise, 2004: 52).

Indeed, actual deployment practice illustrates the weak position of parliament in decision-making about troop deployments. The SANDF has been involved in seven military missions since 1997, which have been mainly peacekeeping operations. Two examples may suffice to illustrate that most deployment decisions are still taken at the level of the presidency (Kent and Malan, 2003: 1, 4). First, the deployment of a 600-strong South African military task force to Lesotho in 1998 happened without the consultation of prominent government representatives, parliamentarians or key parliamentary committees. Acting President Buthelezi[135] neither informed any of the parliamentarians nor based his decision on an international mandate (e.g. from the African Union or the UN – ibid.: 3–4). After the release of the white paper on international peace missions in 1998, decision-making was adjusted and parliament became involved in discussions about SANDF deployments, e.g. to Burundi and the Democratic Republic Congo in 2001 (Wulf, 2005: 105). This did not give parliament the right to make deployment decisions, however. In the case of the Burundi mission,

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[133] The act regulates the powers of parliament concerning 'services inside the republic or in international waters in order to a) preserve life, health or property in emergency or humanitarian relief operations, b) ensure the provision of essential service, c) support any department of state, including support for purposes of socio-economic upliftment and d) effect national border control' (Defence Act, section 18(1)).

[134] These are the white papers on defence (1996) and South African participation in international peace missions (1998).

[135] Both President Mandela and Deputy President Mbeki were absent at the time.

parliament dealt with budgetary requirements, but was not consulted when additional military personnel were sent there (Kent and Malan, 2003: 5).

Overall, the South African parliament still has only a marginal role in decision-making on SANDF deployments. The constitutional framework requires parliament to be informed about deployments of the national defence force, but does not grant it a veto right. The president decides whether, where and when to deploy the SANDF, while MPs are often 'left in the dark' (ibid.) about the decisions. The primary role of parliament seems to be one of legitimising the military missions after the decision has actually been made. Therefore we consider South Africa to have no *ex ante* parliamentary veto power since 1997, and code the country as *missing* from 1994 to 1996.

4.40   Spain, 1989-2004[136]

Spain's democratic constitution entered into force in 1978, after 36 years of authoritarian rule by General Franco and a brief period of transition.[137] The new constitution created a constitutional monarchy in which parliament plays the crucial role in the process of government formation. According to Juberias (2004: 576-577), 'the 1978 Constitution envisioned an essentially parliamentary system, largely inspired by the German model, in which Parliament was the only depository of national sovereignty'. The Spanish parliament, the *Cortes Generales*, consists of two directly elected chambers, the Congress of Deputies and the Senate (the chamber for regional representation). The prime minister is elected by parliament after nomination through the King. Other cabinet members are selected by the prime minister. The government is accountable to Congress and needs its confidence to stay in office (ibid.).

During the period we study, explicit rules for the authorisation of use of military force existed only for the case of all-out war. The constitution states that '[i]t is incumbent on the King, after authorisation by the Parliament, to declare war and make peace' (Constitution of Spain, article 63(3)). As the King's role is merely formal and all his acts need to be countersigned by the prime minister to take effect, it is *de facto* the prime minister who declares war after approval by parliament (Houben, 2005: 169).

While the constitution thus gives parliament veto power in these cases, military missions other than war are not explicitly covered. This is all the more significant as none of the deployments of Spanish troops since 1978

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[136]   This section draws on Weber (2007).
[137]   Spain has a score of 9 since 1978 and 10 since 1982 in the Polity IV database.

were based on a formal declaration of war. Most of these were UN missions,[138] and even those that were not had not been preceded by a declaration of war. Consequently, 'the prior authorisation of Parliament for the declaration of war has become an empty power since combat operations are routinely practiced without this formality' (Cortino Hueso, 2003: 741). For each operation, therefore, government was free to decide whether or not to ask parliament for prior approval. The deployment of troops to NATO's Operation Allied Force in 1999, for instance, took place without such prior approval. Spain agreed to the use of force against Serbia in NATO's North Atlantic Council without consulting parliament beforehand, and parliament endorsed the operation only one week after its beginning (ibid.: 742). This is not to say that parliament did not regularly receive information about military deployments, but – as in the Kosovo case – government usually turned to parliament only after the deployment decision had already been implemented (Dieterich et al., 2010).

Parliamentary rights were only enhanced after the Iraq war, to which the Aznar government had sent soldiers to support the coalition's combat troops even though nearly 92 per cent of the Spanish population opposed the war (Eberl and Fischer-Lescano, 2005: 25). After Aznar's *Partido Popular* was defeated in elections in April 2004, the new Zapatero government immediately announced the withdrawal of Spanish troops from Iraqi territory (ibid.: 26) and put forward a new deployment law which would require prior parliamentary approval for any military mission. This law was passed in autumn 2005.[139] Before this, however, and thus during the complete period we study, Spain must be considered a country in which *ex ante* parliamentary veto power is *absent*.[140]

4.41   Sweden, 1989-2004

Sweden has a long tradition of neutrality in armed conflict which dates back to the early nineteenth century. Even though it maintained close relations with the US during the Cold War, it did not accede to NATO nor did it join the alliance after 1989, but entered only its Partnership for Peace Program in 1994. Sweden has been a frequent contributor to multilateral peace-support operations and participated in UN missions from an early stage. Military

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[138]   For more information about Spanish military missions abroad see www.mde.es/contenido.jsp?id_nodo=4403&&&keyword=&auditoria=F (accessed 10 July 2009).
[139]   Ley Orgánica 5/2005, de 17 de noviembre, de la Defensa Nacional, cf. also *Frankfurter Allgemeine Zeitung*, 16 September 2005.
[140]   This finding concurs with the research by Dieterich et al. (2010), who code parliamentary war powers in Spain as 'basic'.

observers were sent to the Middle East in 1948 and Sweden contributed a battalion to the first armed UN operation, UNEF in Gaza in 1956.[141]

Sweden is a constitutional monarchy, in which the monarch lost the prerogative to determine the prime minister in practice in 1917 and *de jure* in 1975. Since 1975 Sweden has no unitary constitutional document, but instead four fundamental laws which together form the legal basis for the Swedish state. In 1971 Sweden's bicameral parliament was replaced by a single chamber, the *Riksdag*, which has the legislative function and to which government is responsible. Parliament does not take a formal vote to bring government into office; rather, the speaker of parliament proposes a candidate, but the *Riksdag* may vote this candidate down, just as it may remove the prime minister or single cabinet ministers from office at any time by a vote of censure (Bergman, 2004).

Provisions for Sweden's participation in military operations are spelt out in one of the four constitutional documents, entitled 'The Instrument of Government'. It stipulates, first, that 'the Government may commit the armed forces of the Realm, or any part of them, to battle in order to repel an armed attack upon the Realm' (The Instrument of Government, chapter 10, article 9). Secondly, the same article specifies the constraints that apply to military operations other than war, including the prerequisite of parliamentary approval:

> Swedish armed forces may otherwise be committed to battle or dispatched abroad only provided
>
> 1) the Riksdag consents thereto;
>
> 2) the action is permitted under an act of law which sets out the prerequisites for such action;
>
> 3) a duty to take such action follows from an international agreement or obligation which has been approved by the Riksdag.[142]

Constitutionally, the *Riksdag* thus enjoys a strong position, as deployments are not possible without its consent except in the case of a defensive war.

There is secondary legislation that formulates certain exceptions to this rule, yet these are of minor importance and do not play a crucial role in political practice. In December 1992 a law[143] entered into force making it a duty of

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[141] See Swedish Armed Forces: The History of Swedish Armed Forces International Centre (SWEDINT), at www.mil.se/en/Organisation/Centres/Swedish-Armed-Forces-International-Centre/Histoy-of-swedish-peace-keeping-operations/(accessed 8 July 2009).

[142] See www.riksdagen.se/templates/R_PageExtended____6327.aspx (accessed 15 March 2009).

[143] Lag (1992:1153) om väpnad styrka för tjänstgöring utomlands, at www.notisum.se/rnp/SLS/lag/19921153.htm (accessed 8 July 2009). The law was revised in 2003 but the revision concerned only organisational issues within the army; see Lag om väpnad styrka för tjänstgöring utomlands; SFS 2003:169, at www.notisum.se/rnp/sls/sfs/20030169.PDF (accessed 9 July 2009).

government to send troops to peacekeeping operations (i.e. Chapter VI operations) if the UN or OSCE asks for such a deployment.[144] This implies that parliamentary consent is unnecessary for such operations. However, the Swedish government may not deploy more than 3,000 troops at the same time in such missions (see Dieterich et al., 2010; Siedschlag, 2001: 8; Maillet, 1999: 65)

Although this law appears to reduce parliamentary influence on deployment decisions, it is important to note that parliamentary approval is still required for all deployments that go beyond traditional peacekeeping. As there is also always a risk that peacekeeping operations may evolve into more robust missions, the Swedish government has always turned to parliament to ask for approval of any military operation in which Sweden participated.[145]

Overall, then, the Swedish constitution gives parliament the right to veto troop deployments. Since 1992 there is an exception to this rule, yet it is of minor importance as it relates only to Chapter VI operations and these operations are infrequent, usually less controversial and in any case practice shows that the government will seek parliamentary approval even in these cases to guard against a change in the character of a mission. Indeed, Swedish participation in operations as diverse as the NATO-led KFOR in Kosovo, the EU's Althea mission in Bosnia and Herzegovina, the UN mission in Liberia (UNMIL) and the International Security Assistance Force in Afghanistan (ISAF) have found prior parliamentary approval. Therefore we classify Sweden as a country with *ex ante* parliamentary veto power (see also Born and Urscheler, 2004: 63, Born and Hänggi, 2005: 206).[146]

4.42   Switzerland, 1989-2004

Switzerland stands out from the other countries in our sample in several respects. It has the longest tradition of military neutrality, as its first formal declaration of neutrality dates back to the seventeenth century. This has implications for its participation in peace-support operations. Moreover, the Swiss political system has some peculiar characteristics especially as regards its consociational character (which becomes particularly visible in the selection of the federal government) and the significance of referenda. Between 1959 and 2003 the composition of government, the Federal Council (*Bundesrat*), was determined through a 'magic formula' according to which the seven seats in government were distributed among the four main parties. The Federal Council collectively serves as head of state. There is a federal

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[144]   We are indebted to Carmen Wunderlich for a translation of this law and information about its implication.
[145]   We owe this information to Magnus Holm. See also Maillet (1999: 65).
[146]   Dieterich et al. (2010) consider parliamentary war powers in Sweden to be 'selective'.

president as well, but only to fulfil ceremonial functions and chair the government. S/he is selected from among the members of government and the post usually rotates annually among the members of the Federal Council. The members of the Federal Council and the president are elected by Switzerland's bicameral parliament, the Federal Assembly (*Bundesversammlung*), which consists of the National Council (*Nationalrat*) with 200 members and the Council of States (*Ständerat*) with 46 members. Both chambers share the legislative function. Any bill that has been passed by the Federal Assembly may be challenged through a referendum if 50,000 signatures opposing the law can be collected within 100 days. Such referenda are national popular votes in which the simple majority determines whether a law is accepted or rejected (Linder, 1999).

The long-standing tradition of military neutrality has left its imprint in Switzerland's foreign and security policy and also affected its stance towards multilateral military operations. While other neutral countries like Austria, Ireland, Finland and Sweden have been proactive members of the United Nations and frequent contributors to UN-led peace-support missions, Switzerland has long abstained from such a policy. The country only joined the United Nations in 2002, after a first governmental initiative to join the organisation in 1986 had been rejected in a referendum. Notwithstanding its late accession, Switzerland had already participated in some UN peacekeeping operations. In 1953 it sent military observers to Korea (in the Neutral Nations Supervisory Commission). Yet Switzerland did not contribute military units to such operations until the late 1980s, when the government started to seek ways to intensify involvement with the UN despite an unsuccessful attempt to join in 1986. As part of this effort, medical units were sent to Namibia (1989–1990) and Western Sahara (1991–1994). Swiss contributions were limited, however, to unarmed personnel. A 'Blue Helmet Law' that would have allowed troops to use force for self-defence was rejected in a referendum in June 1994. This continued to severely limit Switzerland's ability to participate in multilateral operations, and only unarmed personnel could be sent to support the OSCE in Bosnia and Herzegovina (1996) and to the Alba and KFOR operations in Albania and Kosovo (1999) (see also Lezzi, 2001).[147]

In the late 1990s the government started a new attempt to enable armed forces to participate in multilateral operations. This new, and ultimately successful, effort differed from the failed Blue Helmet Law of 1993–1994 in several respects. One important change was that now parliament gained the right to veto troop deployments. A new article 66b of the Swiss military law

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[147] For more information about recent and current military peace-support missions see www.vtg.admin.ch/internet/vtg/de/home/themen/einsaetze/peace/factsheet.html (accessed 10 March 2009).

stipulated that parliament had to give prior approval for each deployment that comprised more than 100 troops or lasted longer than three weeks. In urgent cases the government may seek parliamentary approval *a posteriori*.[148] Proponents of the law argued that this would clearly limit government's freedom to deploy armed forces and thus address one of the concerns that had contributed to the failure of the Blue Helmet Law (Vanoni, 1999). In practice, this measure is bound to give parliament the final decision over almost any deployment: even though military missions may frequently consist of fewer than 100 military personnel, they almost never last less than three weeks. Parliament passed the law in March 2000. A referendum was called in June 2001 and, as 51 per cent of the votes were in favour of the law, it entered into force on 1 September 2001. The first armed Swiss peacekeepers were sent to Kosovo in December 2002.

As the new law came into force only in the second half of 2001, we code Switzerland as a country with *ex ante* parliamentary veto for the years 2002 and after. Before that time Switzerland could not send armed forces abroad in the context of multilateral operations and so we cannot meaningfully investigate parliamentary involvement in such deployment decisions during this period. We therefore code the years 1989–2001 as *missing* for Switzerland.

4.43   Thailand, 1992-2004[149]

The longest period of democratic rule in Thailand ended in September 2006 when the military ousted Prime Minister Thaksin's government and dissolved parliament after massive street protests and the annulled April 2006 elections. The democratic phase refered to had started in 1992, when violent protests forced the military regime to hand power back to a civilian government. Between 1992 and 2006 the military made no attempts to regain political power, and even the economic crisis of 1997 and the political instability which followed gave the military no opportunity to intervene (Marshall and Jaggers, 2007i). The Polity dataset classifies Thailand as a relatively stable democracy with a value of 9 on the Polity scale during this period,[150] and international observers considered national elections in this time span as procedurally free and fair. The Thai political system can be characterised as a bicameral parliament with two chambers, the Senate and

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[148]   See Bundesgesetz über die Armee und die Militärverwaltung (1995), article 66b. This article was added to the law in 2001.

[149]   This chapter draws on Seibel (2008).

[150]   Born (2006) shows that the 1991 constitution was formulated by the military elites and, because of this fact, the ultimate transition to democracy in Thailand happened only with the establishment of the new constitution in 1997. All undemocratic elements which were still left in the former constitution were removed by the 1997 one (Born, 2006: 62).

the House of Representatives, together constituting the National Assembly. The prime minister, as the head of government, is directly accountable to parliament. With the dissolution of parliament in September 2006, the military 'installed an interim parliament with no powers to vote on government matters' (Born, 2006: 62).

The constitution stipulates that the King, as the head of the armed forces,

> has the prerogative to declare war with the approval of the National Assembly. The approval resolution of the National Assembly must be passed by votes of no less than two-thirds of the total number of the existing members of both Houses. During the expiration of the term or the dissolution of the House of Representatives, the Senate shall perform the function of the National Assembly in giving the approval under paragraph one, and the resolution shall be passed by votes of no less than two-thirds of the total number of the existing senators. (Constitution of the Kingdom of Thailand 1991, section 177)[151]

The constitution of 1997 did not change this provision which guarantees that the National Assembly has a veto over the declaration of war (Constitution of the Kingdom of Thailand 1997, section 228). Concerning deployment of military personnel to international peacekeeping missions, however, the Organisation of the Ministry of Defence Act (2008) stipulates a different procedure:

> The deployment of military forces to peace missions is to be approved by the Defence Council and will be executed according to cabinet resolution. In cases where the cabinet decides to deploy armed forces into action according to paragraph one, the Minister of Defence receives, depending on the approval of the Defence Council, the authorisation to create departments and appoint military personnel for the completion of the mission according to the cabinet's resolution. (Organisation of Ministry of Defence Act 2008, B.E. 2551, article 38, quoted in Seibel, 2008)

Although the act only came into force on 31 January 2008, decision-making during the period we investigate already followed the procedure laid out in the law (Seibel, 2008: 1).[152] Thus in cases of military deployments short of war the National Assembly was not part of decision-making.

Concrete examples of military deployments illustrate that parliament did not have any decision-making power. Thailand participated in five peacekeeping missions from 1992: UNTAC (Cambodia) in 1992,[153] INTERFET in 1999, UNTAET in 2000 and UNMISET in 2002 (all in East Timor), and ONUB

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[151] All translations from constitutional and legal documents have been made by Lydia Seibel.
[152] Before the 2008 law, the Organization of Ministry of Defence Act B.E.2503 of 1960 had been the ruling legal position. The 1960 act has been amended various times (in 1985, 1993 and 2000) (Seibel, 2008: 1).
[153] 'For the UNTAC mission in 1992 the participation of parliament in decision-making can be ruled out. As a result of the February 1991 coup, Thailand was still governed by a military installed caretaker government. When the decision was taken to deploy Thai military forces to Cambodia, parliament was still dissolved. Nevertheless, Prime Minister Anand Panyarachun was not a member of the military but a former official with the Foreign Ministry. He led a cabinet of technocrats. Elections were held in March' (Baker and Pasuk, 2005: 243-244, cited in Seibel, 2008: 1).

(Burundi) in 2005. Participation in the INTERFET mission, for example, was approved by the Defence Council on 23 September 1999. Four days later a cabinet resolution was reached, and Thailand participated in this mission with 1,581 troops and 54 pilots and engineers (Seibel, 2008: 2). For the UN mission in Burundi, the Defence Council approved the deployment of an engineer company on 21 February 2004. Roughly one year later, on 8 March 2005, the cabinet agreed on sending an engineer battalion to Burundi (ibid.). There is no evidence of parliamentary involvement in either case. The *Bangkok Post*, a major English-language newspaper, does not mention parliamentary involvement at any stage for INTERFET, UNTAET or UNMISET. Also, Thai cabinet meeting minutes and the minutes of the Defence Council meetings that decided or deliberated on the deployment and involvement in UN peacekeeping missions 'never referred to any parliamentary involvement' (ibid.). All things considered, the Thai parliament has had no influence on deployment decisions and therefore we consider Thailand to be a country in which *ex ante* parliamentary veto power is *absent*.

4.44   Trinidad and Tobago, 1989-2004

The Caribbean state of Trinidad and Tobago gained full independence from Britain in 1962 and has developed into a stable parliamentary democracy since then.[154] Its 1976 constitution provides for a bicameral legislature that consists of the House of Representatives and the Senate. The House of Representatives has 36 directly elected members, whereas the Senate's 31 members are appointed by the president.[155] The president's functions are mainly ceremonial and s/he is elected by an electoral college made up from members of both houses of parliament. Government is led by the prime minister, who is elected by the House of Representatives and is, together with the cabinet ministers, responsible to parliament.

The constitution (article 22) makes the president commander-in-chief of the armed forces. As the president executes his or her powers only on the advice of government, however, the prime minister can be considered *de facto* commander-in-chief of the Trinidad and Tobago Defence Force.[156] The constitution does not contain provisions that relate specifically to troop deployments overseas. It does deal, however, with questions of war and

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[154]   Trinidad and Tobago scores 9 on the Polity scale from 1985 to 2001 and 10 from 2002 to 2004.

[155]   According to the constitution, Sixteen of the members shall be appointed with the prime minister's advice, six in accordance with the opposition leader and nine 'shall be appointed by the President in his discretion from outstanding persons from economic or social or community organisations and other major fields of endeavour' (Constitution of Trinidad and Tobago, article 40c).

[156]   We are indebted to Bishnu Ragoonath for this information and information on the distribution of competences when it comes to the deployment of the Trinidad and Tobago Defence Force.

peace, and outlines a decision-making procedure for cases of public emergency, which include the state of external war. The right to declare a state of public emergency is given to the president (article 8), i.e. effectively to the cabinet, while the House of Representatives has the right to be informed after such a decision has been made:

> (1) Within three days of the making of the Proclamation, the President shall deliver to the Speaker for presentation to the House of Representatives a statement setting out the specific grounds on which the decision to declare the existence of a state of public emergency was based, and a date shall be fixed for a debate on this statement as soon as practicable but in any event not later than fifteen days from the date of the Proclamation.

> (2) A Proclamation made by the President for the purposes of and in accordance with this section shall, unless previously revoked, remain in force for fifteen days. (Constitution of Trinidad and Tobago, article 9)

In the case of other military operations parliament does not possess a veto right either. In concurrence with the British tradition, the right to deploy troops is considered a prerogative of the executive and the prime minister as the head of the National Security Council has the final say over troop deployments. This can be seen for example in the decision to participate in the UN mission in Haiti (UNMIH), where 57 troops were deployed in 1995. The intervention in Haiti started in 1993 with a joint civilian mission of the OAS and the United Nations. In July the UN Security Council extended the mandate to allow a group of states to form a multinational force which would hand over to UNMIH. Debates on the mission in the House of Representatives indicate that the decision to participate was made by the executive without prior involvement of parliament.[157] There is no indication of a formal vote taken by parliament.

As prior parliamentary approval is not required for deployments of the armed forces, we code Trinidad and Tobago as a country in which *ex ante* parliamentary veto power is *absent*.

4.45   Turkey, 1989-1992

Turkey has experienced three open military coups since the establishment of the republic in 1923: in 1960, 1971 and 1980. After the last phase of military rule, a competitive multi-party democracy with a parliamentary political system was established. However, some problems remained, especially

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[157] See e.g. speeches of Minister for Foreign Affairs Ralph Maraj, 12 March 1993, at www.ttparliament.org/hansards/hh19930312.pdf, 2 July 1993, at www.ttparliament.org/hansards/hh19930702.pdf; speech of MP Mr Palackdharrysingh, 15 July 1994, at www.ttparliament.org/hansards/hh19940715.pdf (all accessed 6 May 2008).

concerning the role of the military in Turkish politics. Although the political power of the military has declined in recent years and 'it no longer seems as willing or capable of dominating the political arena as it has in the past', it still continues to have significant influence on Turkish politics, which is often exercised indirectly (Marshall and Jaggers, 2007j). This influence became obvious in 1997, for example, when the military forced the resignation of Prime Minister Necmettin Erbakan (leader of the Islamic Refah Party). These problems are reflected in the scores which the Turkish democracy receives in the Polity IV database. Since 1982 they vary from 7 to 9, and reach the threshold value of 9 for inclusion in our sample only for the years 1989 to 1992.

Turkey's parliament, the Grand National Assembly, is elected every four years. The executive is composed of the president and the Council of Ministers. The president of the Republic of Turkey is the head of state and, during the time period we examine, was elected by a two-thirds majority of the Grand National Assembly for a seven-year term.[158] The Council of Ministers consists of the prime minister, who is appointed by the president, and several ministers who are nominated by the prime minister and, after having gained a vote of confidence in parliament, formally appointed by the president. Parliament may force the Council of Ministers to resign and, if no new prime minister gains the confidence of parliament, the president may dissolve parliament and call new elections (Rumpf and Steinbach, 2002: 818ff).

Concerning military affairs, the president is the commander-in-chief of the armed forces, according to article 117 of the Turkish constitution. Yet this same article also gives a prominent position to parliament, as it stipulates that the office of the commander-in-chief is 'inseparable of the spiritual existence of the Turkish Grand National Assembly'. Moreover, it lays down that the Council of Ministers is responsible to parliament regarding issues of national security and the preparation of the armed forces for the country's defence.

This prominent position of parliament also extends to decisions over the deployment of military forces. Article 92 of the 1982 constitution states:

> The Power to authorise the declaration of a state of war in cases deemed legitimate by international law and except where required by international treaties to which Turkey is a party or by the rules of international courtesy to send Turkish Armed Forces to foreign countries and to allow foreign armed forces to be stationed in Turkey, is vested in the Turkish Grand National Assembly.

In general, then, the power to deploy the armed forces is given to parliament. Only if an international treaty obliges Turkey to send troops is the assent of

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[158]   This has recently changed. Since a referendum in October 2007 the president is elected by popular vote.

parliament not needed.[159] In practice, this translates to a general veto power of the Grand National Assembly over Turkish deployments. This is not to say, however, that the Turkish parliament always insisted on actually exercising this power. During the time period under consideration here, there was only one military deployment: in the Gulf War of 1991. Here parliament explicitly decided to delegate its deployment competences to the government.[160] Government was authorised to proclaim a state of war, despatch the armed forces abroad and allow foreign troops to be stationed in Turkey, if Turkey came under attack (Howard, 1990). Thus parliament decided *not* to decide over the actual deployment of Turkish troops in this case but to leave this decision up to government. The Council of Ministers, in turn, delegated the competences it had received to the general staff, and therefore to the military authorities (Gürbey, 2005: 283ff).

In terms of the democratic control of Turkey's armed forces, this was, of course, a highly problematic way for parliament to exercise its veto rights. It has also been strongly disputed whether this decision was consistent with the constitution at all (ibid.). It is important to note, however, that legally speaking the veto power of the Turkish parliament existed even in the Iraq case. Parliament occupied a key position in the legal process even though it decided to delegate its powers to the executive under certain conditions.

Even the exceptions formulated in article 92 of the constitution do not generally undermine parliament's veto power. According to this article, government may send troops abroad without parliamentary consent when required by an international treaty. In practice, however, this does not translate into a general exemption from parliamentary veto whenever an operation is mandated by an international authority, thus it is not a significant infringement on the Grand National Assembly's veto position. Parliament has also exercised its powers when Turkish armed forces were deployed within an international legal framework. This holds not only for the case of the Iraq war. Here the use of force was authorised by UN Security Council Resolution 678, to which parliamentary resolution 126, mentioned above, made explicit reference (ibid.: 284). Other examples outside the period from 1989 to 1992 show that this also holds for peacekeeping operations. The decision to deploy troops to Albania in the 1997 Operation Alba,[161] for instance, followed up on UN Security Council Resolution 1101. Parliament thus retains its right to vote on military deployments even when the deployment is made within an international framework.

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[159] There is only one further exception, also provided for in article 92. If the country is threatened by sudden armed aggression while the Grand National Assembly is adjourned or in recess, it is the president who may decide on the mobilisation of the armed forces (Constitution of the Republic of Turkey, article 92).
[160] See parliamentary resolutions 107, 108 and 126.
[161] Parliamentary resolution no. 492 of April 1997.

Overall, then, and according to our criteria, Turkey can be regarded as a country with *ex ante* parliamentary veto power for the time period from 1989 to 1992.

4.46   United Kingdom, 1989-2004

In contrast to most other countries, the United Kingdom does not have a written constitution. Rather, the British constitution is specified in 'statute law, common law, constitutional conventions, and so-called "works of authority", that is, constitutional interpretations by leading scholars' (Saalfeld, 2004: 621). The United Kingdom is characterised by a plural electoral system. Political parties compete for a majority in the House of Commons, the lower house of parliament, which dominates the legislative process and on whose confidence the government depends. Government consists of the prime minister, who may ask the monarch to dissolve the House of Commons at any time, and his or her ministers (ibid.: 630).[162]

As there is no written constitution, the competences for the deployment of military missions abroad are based on laws and constitutional conventions. The common understanding is that the deployment of armed forces is a part of the royal prerogative, and as such does not require the prior authorisation of parliament (cf. White, 2003: 300; Allen, 2002: 155; Rowe, 2003: 836). Thus it is up to the prime minister to ask for approval of his or her policy in an international crisis. The decision to despatch troops lies with the government (Eberl and Fischer-Lescano, 2005: 15) and it decides for every individual case whether parliament should be involved or not.

In February 2003 many people protested against a possible war on Iraq and over 80 per cent of the population were against a military intervention (ibid.: 16–17), as a result the government of Tony Blair decided to seek parliamentary approval of its Iraq policy. On 18 March 2003 the House of Commons voted on a government motion seeking authority for military action and the use of 'all necessary means' to disarm Iraq. Although there was loud criticism, 412 against 149 parliamentarians voted in favour of an intervention. This vote was a remarkable exception, however. The British participation in NATO's Kosovo campaign, Operation Allied Force in 1999, although debated in the House of Commons, 'was never subject to a substantive vote' (White, 2003: 301). Although there have been voices in favour of more parliamentary say in the question of sending troops abroad, such proposals have never gained the necessary clout to be realised. Thus the Iraq war approval by the parliament was an exception.

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[162]   The United Kingdom has a value of 10 on the Polity scale from 1989 to 2004.

Therefore, concerning parliamentary control of military missions abroad, we code the United Kingdom in which *ex ante* parliamentary veto power is *absent* (see also Dieterich et al., 2010).

4.47   United States, 1989-2004

The rules for parliamentary involvement in decisions about military deployments are a contentious issue in the United States, as the key players involved, Congress and president, disagree over the respective legal provisions. This conflict is closely related to the architecture of the overall political system, which is designed as a system of 'checks and balances' in which a directly elected president[163] and a bicameral parliament, the Congress, usually compete for influence on policy. While executive power is vested in the president (who also has influence on legislation through a veto that can ultimately be overruled by parliament), Congress holds legislative power and is tasked with controlling the executive.

In foreign and security affairs the president enjoys a high degree of autonomy and also holds the position of commander-in-chief of the armed forces. The power to declare war, however, is given to Congress (Constitution of the United States, article 1(8)). Regardless of this general competence there has been broad consensus that, as the commander-in-chief, the president has the competence to deploy troops in order to repel attacks against the United States. However, some presidents took this as a basis to send troops into other conflicts, which was interpreted by some as an infringement of congressional powers.

The dispute between Congress and president over the right to deploy troops arose in particular in the second half of the twentieth century. Until the Korean War in the early 1950s, all military deployments had been authorised by Congress 'either by a formal declaration of war or by a statute authorising the president to use military force' (Fisher, 2004: 155). However, since then US presidents have started to challenge this convention and felt 'increasingly comfortable in acting unilaterally when using military force against other countries' (ibid.). This created growing unease within Congress about the executive's unilateral decision-making and parliament therefore passed the War Powers Resolution in 1973, designed to clarify the distribution of competences between president and Congress.[164] According to the War Powers Resolution (section 3), the president has to consult Congress

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[163] Formally, the president is elected through an electoral college but based on the popular vote in the presidential elections.

[164] Both Houses of Congress enacted the War Powers Resolution as law by overriding a presidential veto of then President Nixon.

'before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances'. Section 4 stipulates for cases where there is no declaration of war:

> In the absence of a declaration of war, in any case in which United States Armed Forces are introduced –
>
> (1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;
>
> (2) into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair or training of such forces; or
>
> (3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation; the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth –
>
> (A) the circumstances necessitating the introduction of United States Armed Forces;
>
> (B) the constitutional and legislative authority under which such introduction took place; and
>
> (C) the estimated scope and duration of the hostilities or involvement. (War Powers Resolution, section 4(a))

Most importantly, the resolution gives Congress the final say over military deployments:

> Within 60 calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such 60-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States... (War Powers Resolution, section 5(b))

There are two important points worth noting when assessing the implications of the War Powers Resolution. While the constitution and the resolution may appear to grant Congress veto power over deployments, this is primarily an *ex post* veto. Having the right to call back troops that have already been sent abroad is substantially different from the right to veto a troop deployment before it starts. The former gives the executive an opportunity to present parliament with a *fait accompli*. Calling home troops may be much more costly in military, strategic and reputational terms than vetoing a deployment in advance. Therefore an *ex post* veto does not qualify as indicator for a high level of parliamentary control in our dataset.

Secondly, there is not even agreement that the War Powers Resolution constitutes an applicable legal basis to give Congress any powers at all. Looking at deployment practice, it is difficult to say whether presidents complied with the War Powers Resolution or not (Collier, 1994: 55). Section 4(a)(1) that would trigger the 60-day time limit has rarely been cited, although reports have been frequently submitted to Congress. Also the term 'consultation' has usually been interpreted by presidents to mean meeting congressional leaders before 'commencement of operations' but after the deployment decision has actually been made (Grimmett, 2009: 14). Thus prior approval by Congress has not been considered to be part of the resolution. President Clinton notified Congress in 1999 about participation in Operation Allied Force, but he did not ask for parliamentary authorisation even after the 60-day time limit.[165] To be sure, there are also cases in which presidents have sought prior approval. President George W. Bush asked Congress to authorise the use of force against Iraq. On 10–11 October the Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq (H.J.Res. 114) passed the House of Representatives by a vote of 296 to 133 and the Senate by a vote of 77 to 23. On 16 October 2002 President Bush signed the resolution into law, and the Iraq war began in March 2003.

Overall it appears commonly accepted that the president is not obliged to ask Congress for prior approval (cf. Born and Urscheler, 2004: 63; Born and Hänggi, 2005: 206). Therefore we code the United States as a country in which *ex ante* parliamentary veto power is *absent*.

4.48 Uruguay, 1989-2004

Military rule in Uruguay ended in 1985. In February of that year the Uruguayan constitution of 1967 was reinstated and in March, after the first democratic elections,[166] Colorado Party candidate Julio Maria Sanguinetti assumed the office of president. Since then Uruguay's democracy has proven stable. Its score in the Polity IV database went up from –7 to 9 in 1985 and to 10 in 1989, where it has stayed since then.

Typically for Latin American countries, Uruguay has a presidential political system. The president is directly elected for a five-year term and heads the government. The legislative branch is constituted by a bicameral parliament, the *Asamblea General*, which is composed of the Chamber of Deputies with

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[165] In fact, Clinton adopted the position of his predecessors that the War Powers Resolution was constitutionally defective (Grimmett, 2009: 5).

[166] There was one problem with these elections, however, as the military still had control over the selection of candidates. Candidates who had been up for election in 1971 were not allowed to stand for re-election. Thus the candidates of the three most important parties were excluded from the elections (Wagner, 2008: 512).

99 members and the Chamber of Senators consisting of 31 seats. Parliament may dismiss single ministers from their office with a two-thirds majority and the president may, under certain circumstances, dissolve parliament (Wagner, 2008).

The *Asamblea General* has a comparatively strong position in the security and defence realm. While the defence of the country lies in principle in the hands of the president (Constitution of Uruguay 1967, article 168(1)–(2)), parliament enjoys a wide range of competences. It is parliament's prerogative to authorise both declarations of war and peace treaties (article 85(7)). The *Asamblea General* furthermore has the budgetary competence to determine the finances provided to the armed forces every year (article 85(8)). And, most importantly for our purposes here, the *Asamblea General* 'denies or concedes' the deployment of troops, i.e. deployments of military forces are bound to parliamentary approval, which also includes parliament's competence to set a date for the termination of an operation (article 85(12)).[167] Thus all kinds of military missions outside national territory have to be approved by parliament.

The deployment practice reflects these legal provisions. Uruguay is a frequent contributor to multilateral military operations[168] and has sent troops to participate in many UN missions, e.g. MONUC in Congo, MINUEE in Ethiopia and Eritrea and UNOCI in Côte d'Ivoire. These contributions have regularly been subject to parliamentary approval. For example, in February 2007 parliament prolonged the mandate for Uruguay's contribution to MINUSTAH for one year. The same holds for the MONUC mission in Congo, where more than 1,000 Uruguayan soldiers were deployed.

Therefore, we can classify Uruguay as a country in which *ex ante* parliamentary veto power is *present*.

4.49   Venezuela, 1989-1991

Democracy in Venezuela had its most stable phase in the 1970s, after a leftist guerrilla movement had laid down its arms in the late 1960s and when revenues from the oil industry became an important pillar of the state budget. Yet in the 1980s a deepening crisis emerged in Venezuela and ultimately resulted, in 1992, in widespread popular protests, two unsuccessful coup attempts and eventually the impeachment of President Péréz.

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[167]   These provisions have not changed during the period we study – see Constitution of Uruguay 2004.
[168]   In 2005 and 2007 Uruguayan troops accounted for some 40 per cent of Latin American contributions to UN missions – see RESDAL/SER (2005, 2007).

Uncontested democracy did not return afterwards, as can be seen in Venezuela's Polity scores, which reach their highest value of 9 from 1969 to 1991 and drop to 8 and below afterwards. Therefore we include Venezuela in our sample only during 1989–1991.

Venezuela's government is headed by a directly elected president, who is responsible for appointing and dismissing the ministers. The president acts as the commander-in-chief of the armed forces and also has the prerogative of appointing the highest-ranking officers. Until 1999 the president faced a bicameral parliament.[169] The Senate, as the upper chamber of parliament, was composed of two representatives of each federal state and former presidents; the House of Representatives was constituted of 200 directly elected members. They shared the legislative competence (Kestler, 2008).

The president generally holds a strong position in the Venezuelan democracy, and this extends to the area of foreign policy. The constitution of 1961 gives the president the competence to 'direct the foreign affairs of the Republic and make and ratify international treaties' (Constitution of the Republic of Venezuela, article 190(5)). Yet in the area of deploying military forces the powers of the executive are constrained by article 150 of the constitution. Accordingly the Senate has the power,

> to authorize the use of Venezuelan military missions abroad or of foreign missions within the country, at the request of the National Executive. (Constitution of the Republic of Venezuela, article 150(4))

Thus military missions had to be approved by the Senate during the period under investigation. Since the early 1990s Venezuela has participated in several multilateral operations, e.g. in missions to the Central American countries to organise the Contra demobilisation there (ONUCA and ONUSAL). Here Venezuela deployed a battalion of 800 troops in 1990. Other operations followed, e.g. deployments to Kuwait (UNIKOM) and the Western Sahara (MINURSO) (Romero, 1997).

As the Senate had a veto over these military deployments, we code Venezuela as a country in which *ex ante* parliamentary veto power is *present*.

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[169] In 1999 the Senate was abandoned and the House of Representatives renamed the National Assembly and downsized to 165 members.

5.   Annex

Table A1 List of countries and the presence/absence of parliamentary *ex ante* veto power

Country	Years in dataset	Parliamentary *ex ante* veto power
Australia	1989–2004	absent
Austria	1989–2004	present
Belgium	1989–2004	absent
Bolivia	1989–2002	present
Botswana	1997–2004	absent
Bulgaria	2001–2002 2003–2004	present absent
Canada	1989–2004	absent
Chile	2000–2003 2004	present inconclusive
Colombia	1991–1994	absent
Cyprus	1989–2003 2004	absent present
Czech Republic	1993–2000 2001–2004	present absent
Denmark	1989–2004	present
Ecuador	1989–1996/1998–1999	absent
Finland	1989–2004	present
France	1989–2004	absent
Germany	1989–1994 1995–2004	inconclusive present
Greece	1989–2004	absent
Hungary	1990–2003 2004	present absent
India	1995–2004	absent
Ireland	1989–2004	present
Israel	1989–2004	absent
Italy	1989–2004	inconclusive
Jamaica	1989–2004	absent
Japan	1989–2004	present

Country	Years in dataset	Parliamentary *ex ante* veto power
Lithuania	1991–1992 1993–2004	missing present
Macedonia	2002–2004	present
Madagascar	1992–1996	absent
Mongolia	1992–2001 2002–2004	missing absent
Netherlands	1989–2004	absent
New Zealand	1989–2004	absent
Norway	1989–2004	absent
Papua New Guinea	1989–2004	present
Peru	2001–2004	absent
Poland	1995–2004	absent
Portugal	1989–2004	absent
Romania	2004	absent
Slovakia	1998–2000 2001–2004	present absent
Slovenia	1991–2004	absent
South Africa	1994–1996 1997–2004	missing absent
Spain	1989–2004	absent
Sweden	1989–2004	present
Switzerland	1989–2001 2002–2004	missing present
Thailand	1992–2004	absent
Trinidad and Tobago	1989–2004	absent
Turkey	1989–1992	present
United Kingdom	1989–2004	absent
United States	1989–2004	absent
Uruguay	1989–2004	present
Venezuela	1989–1991	present

Table A2 Countries by parliamentary control level

Veto	No veto	Inconclusive or missing
Austria (1989–2004)	Australia (1989–2004)	Chile (2004)
Bolivia (1989–2002)	Belgium (1989–2004)	Germany (1989–1994)
Bulgaria (2001–2002)	Botswana (1997–2004)	Italy (1989–2004)
Chile (2000-2003)	Bulgaria (2003–2004)	Lithuania (1991–1992)
Cyprus (2004)	Canada (1989–2004)	Mongolia (1992–2001)
Czech Republic (1993-2000)	Colombia (1991–1994)	South Africa (1994–1996)
Denmark (1989–2004)	Cyprus (1989–2003)	Switzerland (1989–2001)
Finland (1989–2004)	Czech Republic (2001–2004)	
Germany (1995-2004)	Ecuador (1989–1996/1998-1999)	
Hungary (1990-2003)	France (1989–2004)	
Ireland (1989–2004)	Greece (1989–2004)	
Japan (1989–2004)	Hungary (2004	
Lithuania (1993–2004)	India (1995-2004)	
Macedonia (2002–2004)	Israel (1989–2004)	
Papua New Guinea (1989–2004)	Jamaica (1989–2004)	
Slovakia (1998-2000)	Madagascar (1992–1996)	
Sweden (1989–2004)	Mongolia (2002–2004)	
Switzerland (2002-2004)	Netherlands (1989–2004)	
Turkey (1989-1992)	New Zealand (1989–2004)	
Uruguay (1989–2004)	Norway (1989–2004)	
Venezuela (1989-1991)	Peru (2001–2004)	
	Poland (1995-2004)	
	Portugal (1989–2004)	
	Romania (2004)	
	Slovakia (2001–2004)	
	Slovenia (1991–2004)	
	South Africa (1997–2004)	
	Spain (1989–2004)	
	Thailand (1992–2004)	
	Trinidad and Tobago (1989-2004)	
	United Kingdom (1989–2004)	
	United States (1989–2004)	

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