

## CHAPTER 1

### Introduction

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More than a decade after the Common Foreign and Security Policy (CFSP) was launched, the European Parliament (EP) is still demanding to have a greater say in Europe's foreign policy. Year after year, the EP has expressed this claim in the annual reports it publishes on the main aspects and basic choices of the CFSP. These reports are an accurate barometer to measure the degree of the Parliament's satisfaction with its capacity to control and influence European foreign policy.

The latest report, presented in March 2005 by Elmar Brok, Chairman of the Foreign Affairs Committee of the EP, was one of the toughest in this regard.<sup>1</sup> The central claim of this report was that it is high time the existing practice of the Parliament being (poorly) informed and only *a posteriori* by the Council of the European Union (EU) was replaced, in favour of “an *a priori* approach whereby Parliament is consulted at the beginning of each year on the main aspects and basic choices envisaged by the Council.”<sup>2</sup> For the first time, the report was drafted to present the Parliament's view on the future choices of the CFSP, instead of offering a review of past events, as was usually the case of previous reports.

However, the desirability of upgrading the role of the European Parliament in foreign policy is far from being uncontroversial. There is no

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<sup>1</sup> European Parliament, *Report on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP, including the financial implications for the general budget of the European Communities – 2003*, A6-0062/2005 FINAL, 21 March 2005.

<sup>2</sup> *Ibid.*, paragraph 2.

unanimous conclusion about to what extent does the CFSP suffer from a democratic deficit. This debate revolves around two dimensions. The first one has to do with the accountability of CFSP institutions. Is the current degree of parliamentary oversight of these policies the most appropriate? Has the disengagement of national parliaments regarding European foreign policy been counterbalanced by giving sufficient powers to the European Parliament? And, regarding the European Security and Defence Policy (ESDP), are national parliaments effectively controlling it? The second dimension of the debate is related to the wider question of whether the European Parliament is capable of legitimising EU policy outcomes. In the absence of a Europe-wide *demos* and of a true party system, what interests do Members of the European Parliament (MEPs) represent when dealing with foreign policy issues? Are there transnational cleavages in foreign policy or are they mainly national? Furthermore, is the European Parliament developing a transnational, autonomous stance on foreign policy issues, different from that of the Council or the Commission?

The present book is divided in two parts, to reflect the dual dimension of the democratic deficit debate. Part I has two chapters that deal with the accountability of European foreign policy (mainly the foreign and defence policies, but also issues concerning the EU's external trade). Part II includes three chapters related to the legitimacy debate, which address the issue of national vs. transnational roles of MEPs in different areas (the debate on Turkey's accession, the work within inter-parliamentary delegations and human rights policies).

## **The accountability debate: parliamentary oversight of the CFSP and the ESDP**

The discussion over the democratic accountability of European foreign policy dates back to the very inception of the European Political Cooperation (EPC) in 1969. Even before the European Parliament became a directly elected body, it claimed that the strictly intergovernmental and confidential nature of EPC was seriously eroding the foundations of parliamentary democracy. Since then, the European Parliament has been given some prerogatives in the field of foreign policy, but, for many, there is still a vacuum in the parliamentary

oversight of the CFSP, given that the foreign policy functions performed at the EU level have increased dramatically. A brief review of these processes (the evolution of the EP's powers in foreign policy and the evolution of the CFSP) will provide some elements to gauge the *décalage* between the two.

A role in foreign policy was not formally conferred to the European Parliament until the CFSP was institutionalised in the Maastricht Treaty. The Parliament's prerogatives, laid down in Article 21 of the Treaty of the European Union (TEU), were deemed as an important step forward. Although these powers were merely consultative, the fact that the EP was taken into consideration meant, at least, that the CFSP was being set up with greater democratic legitimacy than the former European Political Cooperation.

The Parliament's powers under this article have been labelled "soft accountability powers" (Larhant 2004; Diedrichs 2004). The first paragraph of Article 21 establishes the EP's passive rights of being consulted by the Presidency on the main aspects and the basic choices of the CFSP and being informed by the Council and the Commission. The second paragraph refers to the EP's active rights to ask questions to the Council of Ministers, to make recommendations, to hold debates on the CFSP and to issue resolutions in this field.

However, these obligations of both informing and consulting the EP as set out in Art. 21 of the TEU were quickly deemed insufficient by the Parliament itself, as they were not mandatory for the Council and the Commission. Ever since, the EP has been keen on demanding an extension of its formal powers, especially during Treaty reform periods. But except for the budgetary domain, where substantial changes have been introduced, the Parliament's formal powers in foreign policy have remained the same as those set out in the Maastricht Treaty.<sup>3</sup>

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<sup>3</sup> Article III-304 of the Constitutional Treaty basically reproduces Article 24 TUE, except for minor modifications regarding the new institutional context (instead of the Presidency and the Commission, the Constitution mentions the EU Minister of Foreign Affairs and Special Envoys), and the possibility to have a debate on CFSP is increased from one time per year to two. Regarding the budgetary domain, the provisions for financing CFSP established in the Maastricht Treaty proved to be inadequate very soon. The distinction between administrative expenditures that were to be covered by the EC budget and the operating expenditures that were to be charged directly to the member states was superseded by events, as a result of the first operations in Bosnia. Thus, the Treaty of Amsterdam put an end to the confusing distinction between administrative and operating expenditures regarding CFSP. Operating expenditures were considered to be non-

Therefore, the EP has concentrated on making the most out of its existing powers through the assumption of a proactive stance, that is by requesting information and issuing recommendations and resolutions (Diedrichs 2004). Indeed, via the maximisation of the Treaty provisions (especially its budgetary powers), the EP has progressively acquired greater influence throughout the years. Parliament has, rather successfully, made the Council and the Commission have a stronger commitment to provide information and to take the Parliament's opinion into account, basically through inter-institutional agreements.<sup>4</sup> Likewise, the EP has deliberately tried to acquire a solid reputation as a serious interlocutor with third countries through parliamentary cooperation and, as an agenda-setter in foreign policy issues, basically by an increasing production of its own initiative reports (Barbé 2004).

The freezing of the EP's powers under Article 21 of the TEU contrasts with the evolution of the CFSP during the last decade, which has led to an incremental development of new institutions and mechanisms. The most important of these changes is undoubtedly the creation of the ESDP in 1998, under which the EU has already launched several civil and military missions.<sup>5</sup> More recently, the introduction of a 'Neighbourhood Policy,' to replace the previous Common Strategies as a framework for the EU's relations with neighbouring countries, or the issuance of the first European Security Strategy are also important corollaries of the evolution of the CFSP since 1993. The mushrooming of institutions --the Policy Planning and Early Warning Unit, the Political and Security Committee, the Military Committee, the Military Staff, and the Civilian Crisis Management Committee, among others-- that has accompanied CFSP and ESDP developments has also been notable.

The architects of subsequent EU reforms have considered that, in spite of this evolution, the current participation of the EP is appropriate, since the

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mandatory expenditures (Article 28.3 of the TEU), and, therefore, the EP has the ability to approve the expenditure or not.

<sup>4</sup> The main inter-institutional agreements are that of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure, OJ C 172, 18 June 1999; and the Inter-Institutional Agreement of 20 November 2002 between the Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy, OJ C 298, 30 November 2002.

<sup>5</sup> Up to April 2005, the missions under CFSP have been: Police Mission in Bosnia, Concordia in FYROM, Proxima in FYROM, Artemis in Congo, Eujust Themis in Georgia, Althea Eufor in Bosnia and Eupol Kinshasa in Congo.

CFSP, and even more so the ESDP, are intergovernmental in nature. Consequently, reformers have insisted on furthering cooperation between national parliaments and between them and the European Parliament. The Constitutional Treaty is expected to make progress in this direction. Paragraph 9 of Protocol 1 refers to the promotion of effective and regular interparliamentary cooperation between the European Parliament and national parliaments; and paragraph 10 provides for a Conference of Parliamentary Committees for Union Affairs to organise interparliamentary conferences to debate foreign policy and defence issues.<sup>6</sup>

The wording of these provisions, however, is so vague that parliamentary cooperation could take various forms (Hilger 2005). Indeed, the appropriate form of cooperation is still a matter of discussion, mainly within the EP and the WEU Assembly. The Parliament generally welcomes the provisions of Protocol 1 because, under paragraph 9, the Parliament is mentioned in first place as part of the future interparliamentary dialogue. In contrast, the WEU Assembly considers that an alternative and more appropriate solution would be to set up an institutionalized Interparliamentary Forum made up by parliamentarians from all WEU countries.<sup>7</sup> This Forum should play a central role, being involved in a "consultative dialogue with the executive bodies of the European Union on topics that are subject of intergovernmental cooperation", being able to submit contributions to the Council and the Commission and being the promoter of interparliamentary conferences and of information exchanges and best practices between national parliaments and the European Parliament.<sup>8</sup>

This proposal of fostering institutionalised cooperation between national parliaments as the best way to democratically control subjects of intergovernmental cooperation is contentious, however. The traditional discourse of the EP is that parliamentary oversight of the CFSP at the national level, although welcomed, is insufficient, since it is increasingly more difficult to discern what is strictly intergovernmental in the CFSP from what is not.

Indeed, two interrelated processes are contributing to blur the intergovernmental character of the CFSP. On the one hand, the need for

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<sup>6</sup> The draft Treaty explicitly mentioned the format of COSAC (Conference of the Community and European Affairs Committees) in paragraph 10.

<sup>7</sup> Assembly of the WEU, *Resolution 122 on the European Security and Defence Policy following EU and NATO enlargement*, 4 June 2004.

<sup>8</sup> *Ibid*, paragraphs 4 and 5.

coherence and efficiency of the CFSP has led to an increasing 'cross-pillarization', i.e., the Commission and the Council are working together in many CFSP and ESDP fields where the line between decision and implementation, between civil and military means for crisis management is ever more difficult to draw. The *Policy Planning and Early Warning Unit*, set out by the Treaty of Amsterdam with the functions of planning CFSP medium- and long-term policies, is a clear example of this cross-pillarization since it is staffed by officials of the Council Secretariat, the WEU, the member states and the Commission.

The second process is what has been termed 'Brusselisation' (Allen 1998), that is that "while the relevant competences do remain ultimately at the disposal of the Member States, the formulation and implementation of policy [is] increasingly Europeanized and Brusselized by functionaries and services housed permanently at Brussels" (Müller-Brandeck-Bocquet 2002: 261). The task of the *Political and Security Committee* (PSC), established by the Treaty of Nice, illustrates such Brusselisation. The PSC, made up by ambassadors from the member states, plays a crucial role in facilitating CFSP formulation. It is obviously placed under the Council's authority and was conceived with an intergovernmental perspective in mind, but its officials undertake their task in close relation with other EU institutions that have their headquarters in Brussels. As underlined by Karen Smith (2003:46), the PSC "is building strong relations with other institutions in Brussels, the Commission, Coreper, High Representative and Policy Unit. This is contributing to the 'Brusselization' of EU foreign policy: foreign policy issues are more and more discussed, and decided, in Brussels".

This unresolved debate on the democratic accountability of CFSP and ESDP institutions through parliamentary oversight constitutes the focus of the first two chapters of this book. Chapter 1, by Nathaniel Lalone, reviews the evolution of the EP's formal and informal powers in the field of Common Commercial Policy (CCP) and compares them to the powers of the Parliament in the CFSP, without losing sight of the different nature of these two policies. In light of the experience of CCP, Lalone discusses whether the current degree of involvement of the European Parliament in the CFSP is the most appropriate and identifies some of the problems that the EP has to face in order to acquire more powers in this field.

Chapter 2, by Giovanna Bono, delves into the parliamentary oversight of the ESDP by national parliaments. Specifically, the author examines the

role of the British, Italian and French Parliaments in scrutinising the first two EU-led peace-enforcement operations: Concordia (EU military operation in the Former Yugoslav Republic of Macedonia) and Artemis (EU Military operation in the Democratic Republic of Congo). Taking into account that the scrutiny of the ESDP is first and foremost the responsibility of national governments, Bono aims to assess whether national parliaments are indeed well equipped to undertake this task.

### **The legitimacy debate: representation of national and transnational interests in the European Parliament**

The second dimension of the debate on the democratic deficit of European foreign policy addressed in this book refers to its source of legitimacy. The three main sources of democratic legitimacy traditionally identified in the complex Euro-polity are: indirect legitimacy provided by national parliaments; direct legitimacy provided by the EP (input legitimacy); and legitimacy coming from the efficiency and effectiveness in tackling citizens' problems (output legitimacy). There is no discussion about the main source of democratic legitimacy of the CFSP and ESDP, which comes from national parliaments, since these policies were conceived as intergovernmental. Output legitimacy is also central in whatever field of EU policymaking, because citizens' support for specific EU policies implicitly depends on their perceived effectiveness. Conversely, problems arise when approaching the source of direct democratic legitimacy at the EU level through the European Parliament.

The core question evolves around the extent to which the EP is in a position to represent EU citizens and introduce their preferences into the EU decision-making process. The European Parliament, as a directly elected assembly structured by political groups, should, in principle, represent European citizens via European political parties. However, the Europarliament is far from the model of national assemblies because of the absence of a European *demos* and a true European party system. Thus, a common view of the European Parliament is that it is "an international forum where MEPs represent national interests" (Marsh and Norris 1997: 156).

For many, the fact that the MEPs perform their tasks with a national orientation and the absence of cohesive political groups that maintain

competing political programmes lie at the heart of the democratic deficit of the EU, since it is very difficult for citizens to identify clear-cut political cleavages at the EU level and to evaluate their elected representatives' performance. The chapters of the second part of the book focus on this intriguing duality of national/transnational party representation roles by MEPs, the degree of cohesion of European political groups, and inter-group cooperation in the field of foreign policy.

The European Parliament, despite "its ambition to become a prototype of a genuine transnational democratic institution" (Viola 2000:13), falls short of being a true parliament, providing a European-wide competitive party system. However, in recent years, important advances have been made towards developing a European party system, up to the point that some authors state that, nowadays, "political parties, rather than member states are building the European Union" (Colomer 2002).

This might be an overstatement, but, in fact, the increasing role of politics in the EP can clearly be appreciated in the performance of European Political Groups (PG), which have consolidated into the key institutions organizing the EP's activity. PGs undertake central tasks like, for example, the appointment of memberships and chairmanships in committees and interparliamentary delegations, the assignment of rapporteurships or the proposal of reports and oral questions for debate. This pivotal role of the European party groups has resulted in higher intra-group cohesion. According to the analysis of Simon Hix (1999), the indexes of agreement of the EP groups (the calculated frequency with which their members vote as a bloc) have been higher throughout the successive parliamentary terms, up to a point that the levels of party cohesion are very similar to those registered by the US Congress.<sup>9</sup>

Interestingly, however, the main area of inter-party competition is the left-right dimension, whereas groups are much less cohesive when it comes to pro-anti integration issues. MEPs' voting pattern thus follows the left-right cleavage that prevails at the national level, but not on European issues. As put by Schmitter and Trechsel (2004:47), the political process within the EP

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<sup>9</sup> For example, the Indexes of Agreement as calculated by Hix (1999: 177) during the Parliamentary term 1989-1994 were already very high: Left Unity (93.8), European Unitarian Left (92.3), Greens (87.5), Party of European Socialists (78.6), Rainbow Group (69.5), Liberal, Democratic and Reform Party (85.7), European People's Party (88.2), European Democratic Alliance (64.5), European Democratic Group (92.2), Extreme Right (84.1).



“merely aggregates and reproduces in a superficial fashion the different cleavages that emerged historically within each member state, rather than recognise and reflect the cleavages that transcend these national borders”.

The scant existing studies on MEPs’ voting patterns in foreign policy, nonetheless, show intriguing conclusions about the relevance of national-territorial and party-political representation roles when dealing with foreign policy. The analysis of Attinà (1990), for example, shows that there is a higher intra-group cohesion in international matters than in any other area, concluding that there is "an international cleavage that pits some Party Groups against others in the European Parliament as it does in national parliaments" (Attinà 1990:572) in this field<sup>10</sup> Similarly, Viola (2000) identifies the existence of transnational interest and identities in the voting patterns of MEPs during major international crises of the first half of the 1990s (Iraq and Yugoslav wars).

The same patterns were recently reproduced in the PGs' positions vis-à-vis the US-led war in Iraq, an issue that was to play an important role in the campaign leading to the elections of the European Parliament in May 2004. The international events post 9-11, the military intervention against Iraq, or the terrorist attack of 3-11, together with developments in the EU's neighbourhood, from the Ukrainian electoral crisis to the debate on Turkey's accession to the EU, have made foreign policy and defence issues rank high in political parties’ manifestoes and in the programmatic documents of European groups.<sup>11</sup>

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<sup>10</sup> Attinà's analysis of roll-calls of the first and second terms of the directly elected EP finds that the cleavage in international relations separated Socialists and Communists, on the one hand, from Christian Democrats, Conservatives and Liberals, on the other. The issues where this division was primarily observed were: domestic politics of third nations, questions of security, and armaments and cooperation in foreign policy (Attinà 1990:572).

<sup>11</sup> The major parties in the EP have issued several position papers related to foreign policy and foreign and security issues. They are given a relevant place in the documents of political priorities. For the Group of the European People's Party, see *European People's Party Action Program 2004-2009*, pp. 35-41. <<http://www.epp-ed.org>>. For the Party of European Socialist Group, see for instance, *Paper on Common Security in a changing global context*, March 2004 and *Position Paper on Iraq*, 15 January 2003 <<http://www.socialistgroup.org>>. For Alliance of Liberals and Democrats for Europe, see its *ALDE Group Priorities for 2005* <<http://eld.europarl.eu.int>>. For Greens/EFA, see *Position Paper on Iraq*, 6 November 2002 and its permanent campaigns on “No to War” and “Turkey in the EU” <<http://www.greens-efa.org>>.

For some, this evolution might be an important step towards the appearance of a European-wide *demos*, at least in the field of foreign policy.<sup>12</sup> More sceptical views, however, attribute the existence of clear political cleavages in the field of foreign policy to the fact that the EP's resolutions on international affairs are more of a symbolic than a practical nature, and therefore MEPs choose to emphasise their ideological affinity with their political group than their national one (Attinà 1990; Bardi 1994).

National and ideological affinities and the relevance of the European PGs are addressed in chapters 3 and 4. Chapter 3, by Eduard Soler i Lecha, inaugurates the second part of the book and analyses national and political cleavages in the European Parliament regarding Turkish membership. The EP's stance on enlargement policy is not merely symbolic, since the Parliament's assent is required for the successful conclusion of new accession treaties. The political salience and the great deal of interest that this issue has aroused in public opinion make the debate on Turkey's membership a very good case to analyse the shaping of foreign policy cleavages in the enlarged EU.

Chapter 4, by Anna Herranz, analyses the interplay of national and PGs' priorities of MEPs that participate in interparliamentary delegations. Herranz focuses on the patterns of distribution of German, Spanish and Polish MEPs among different delegations, their coordination strategies with other MEPs, and their attitudes towards the value of interparliamentary cooperation.

As mentioned above, intra-group cohesion is seen as a positive evolution towards building a true transnational and representative parliament. However, the interinstitutional context of the EU also requires a high degree of inter-group cooperation in order for the EP to play a greater role in the complex European decision-making game. That is, MEPs have increasingly realised that only by building ample inter-group coalitions can the EP be in a position to effectively influence EU policy outcomes.

This is crystal clear in those areas where the EP possesses legislative powers, together with the Council. Although this is not the case of European foreign policy, the EP has attempted to play a unified role that even seems to have consolidated into an institutional identity, that of advocate *par excellence* of human rights, democratisation, foreign aid and development (Smith 2003).

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<sup>12</sup> See WEU Assembly, *Recommendation 738 on the impact of the Iraq crisis on public opinion in Europe*, A/1838, 3 December 2003.

This may have been the product, on the one hand, of the fact that the Parliament, as the only EU directly-elected institution, has always considered that its duty is closely linked to the defence of “European values”; on the other, its willingness to assume more power within the institutional framework may have led the EP to play an active role in fostering democracy, protecting human rights, and fighting against poverty, whereby rendering them among the most remarkable topics of public intervention (Barbé 2004).

Chapter 5, by Flavia Zanon, goes into such inter-party cooperation in order to make the EP an influential actor in the EU’s decision-making process. Zanon evaluates the extent to which the EP has developed a transnational view of foreign policy issues, autonomous from that of the Council and the Commission, and the impact of the recent enlargement in this regard. The author assesses the EP’s success in making its view prevail as well as the consequences of the EP maintaining independent stances *vis à vis* the Council.

The ambition of the EP to effectively perform as a unified actor in the EU process is generally welcomed, because a Parliament that were ideologically polarised or atomised by national interests would have no impact on the Council or the Commission. However, this might be partially hindering the political pluralism required to set up a competitive party democracy at the EU level, where citizens identify different options in different European political parties and groups. The so-called dilemma between effectiveness and democracy in the evolution of the European Parliament (Viola 2000) falls, however, out of the scope of this book.

The present volume is the result of the 2<sup>nd</sup> Meeting of the FORNET Working Group on “Evolution and Accountability of CFSP Institutions” organised by the Observatory of European Foreign Policy (Research line of the *Institut Universitari d’Estudis Europeus*), which took place in Barcelona, the 4 and 5 March 2005. FORNET is a research network on foreign policy funded by the Fifth Framework Programme of the European Commission (2003-2005) and made up by twenty-five institutions based in the EU (<http://fornet.info>). During its existence, FORNET has attempted to provide a forum for informed discussion and scholarly debate on all aspects of European foreign policy among academics and practitioners, which aim to modernise, widen and deepen research in this vital area of EU policy.

Among FORNET various working groups, that on “Evolution and Accountability of CFSP Institutions”, lead by the Observatory of European Foreign Policy, has been devoted to debate institutional developments within the CFSP throughout the latest Treaty reforms, especially during the Convention and the subsequent Intergovernmental Conference of 2003 that brought about the Constitutional Treaty. In the study of CFSP institutions, special emphasis has been put on the issue of their accountability, with a particular focus on the role of the European Parliament and on democratic control of the CFSP, given the fresh dynamics of security and defence issues.

During the 1<sup>st</sup> Meeting of the Working Group that took place in Parma, the 26 and 27 March 2004, under the organisation of the *Istituto Affari Internazionali*, the role of the European Parliament in the CFSP was extensively analysed by scholars and practitioners from various European and international institutions. The 2<sup>nd</sup> Meeting of the Working Group in Barcelona benefited from the work done in Parma and addressed some of the issues that during the 1<sup>st</sup> Meeting were identified as topics that needed further research.

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## CHAPTER 2

# Accountability in the EU's Common Foreign and Security Policy: Lessons from the Common Commercial Policy

Nathaniel Lalone

### Introduction

The EU's Common Foreign and Security Policy (CFSP) was introduced in the Maastricht Treaty in order to provide more coherence for the Community's external relations. As the CFSP institutions have developed over time, however, a tension has emerged between the Community method and intergovernmental instincts. While there has been a process of 'Brusselsisation' of the CFSP, this has not led to a greater role for the European Parliament (EP) in oversight and accountability (Barbé 2004). Indeed, the CFSP has been described as an example of 'collusive delegation' (Koenig-Archibugi 2002: 62) in which national executives have established an intergovernmental policy to escape national parliamentary scrutiny without re-establishing any oversight at the supranational level.

These institutional features of the CFSP have ignited a debate on the 'democratic deficit' inherent in the Community's foreign and security policy. While the EP does retain some formal powers in the CFSP, these are largely 'soft' powers – the EP must be 'kept informed' of policy developments and can issue reports – that have been left largely unchanged since the Maastricht Treaty (Diedrichs 2004). One area in which the EP has gained a foothold is the budgetary procedure; however, the rules heavily favour the Council (Scannell 2004) and it is therefore too early to conclude that the EP is the '*maître du jeu*' in this area of the CFSP (Laschet 2002).

Recent developments have raised further complications. The European Security and Defence Policy (ESDP) has elements that are both part of Pillar 1 and Pillar 3, with few clear lines of responsibility and therefore accountability (Born 2004). New concerns have sprung up over the challenge to the democratic deficit inherent in the proposals for the Rapid Reaction Force (Ioannides 2002) as well as the unique status of the new EU Foreign Minister (Gourlay and Kley Meyer 2003). Most frustratingly from the point of view of democratic accountability, the Draft Constitution has not focused on issues of accountability and consequently does not substantially alter the marginal role granted to the EP in CFSP matters (Stavridis and Vallianatou 2003).

The purpose of this paper is to contribute to this debate in light of the Community's experience in the field of external economic relations. At first sight, this may seem farfetched; after all, international economic relations are normally considered either 'low politics' or a highly specialized, technocratic field that should have little to offer to the study of 'high politics' such as security and defence. The reality is that the Common Commercial Policy (CCP) and the CFSP are more closely comparable than they originally appear.

This brief paper shows that the CCP has suffered from the principle challenge of accountability facing the CFSP – lack of EP involvement – and come out with a solution that has enhanced, not diminished, the role of Community institutions. The EC's experiences in foreign economic relations are not irrelevant and do in fact provide valuable lessons for the evolution and accountability of the CFSP institutions. The discussion will be focused on the role of the EP in the CCP. The Treaty of Rome denied the Parliament a formal role in the CCP; this situation persisted through the 1990s and despite the EP's efforts at both the 1996 and 2000 IGCs. It was only during the Convention that the Parliament was able to break through and establish itself as an official player in trade policy. The discussion address the following questions: In the absence of a formal role in the CCP, how did the EP influence trade policy? How did the EP finally establish a substantial formal role through the Convention negotiations? The answers to each will form the basis of lessons that can be applied to current debates about the CFSP.



## **Accountability and the Role of the EP**

In the realm of the CFSP, the Parliament has been described as having ‘powers of information but no real power of control’ (Stavridis and Vallianatou 2003: 4). The EP enjoys the right to be informed and consulted in several areas, and retains the independent right to debate foreign policy, issue reports, declarations and other rhetorical statements, as well as pass resolutions on foreign policy matters. However, these rights are ‘soft’ and do not bind the other European institutions to the Parliament’s wishes. Partial control over the budget offers another potential means to influence policy, but even here the Council retains a much stronger position than the Parliament (Diedrichs 2004: 39). The generally accepted view is that the Parliament has a marginal role in CFSP matters, and the Convention has been yet another ‘missed opportunity’ (Barbé 2004: 52) for the Parliament to expand this role.

This situation is strikingly similar to the one that characterised the CCP for decades. The CCP was instituted by the Treaty of Rome in 1957. Treaty Article 113 (now Article 113) establishing the Common Commercial Policy made no mention of the Parliament and granted powers only to the Council and the Commission. Until the ratification of the Draft Constitution, the Parliament remains without a formal role – denied even the powers of consent or consultation – in external economic affairs.<sup>1</sup> This does not mean, however, that the Parliament made no effort to influence the course of the Community’s external trade policy. On the contrary, the Parliament tried several informal methods similar to those available in the CFSP in order to make its own views and preferences known. These efforts met with only marginal success for reasons that will be discussed below.

### **Informal Powers and Policy Influence**

As in the CFSP, the Parliament retains the right to issue ‘own-initiative’ reports, debate CCP matters, and submit questions and accept testimony from DG Trade officials. In terms of reports, the number of ‘own-initiative’ reports issued by the Parliamentary committee charged with international trade issues

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<sup>1</sup> The Parliament does have a role to play in the conclusion of association agreements with third countries, but these agreements are specifically exempted from the rules governing the Common Commercial Policy.

has historically been relatively high (Corbett *et al* 2000: 116). The Parliament has also held a number of hearings on trade issues, especially in the aftermath of the establishment of the WTO. These various channels have established a two-way flow of information between the Parliament and the Commission, keeping each apprised of the positions and preferences of the other.

The 'own-initiative' reports issued by the committee on international trade offer the Parliament the opportunity to make its views on trade policy known. These reports generally reflect a grudging approval of the WTO system and have been described as a position of 'yes, but...' (Bender 2002: 198-200). While the EP is supportive of the WTO, its enthusiasm is tempered by the perceived failure of the WTO to satisfy certain particular interests: these include the environment<sup>2</sup>, agriculture<sup>3</sup>, and culture.<sup>4</sup> Some *rapporteurs* go even farther than these piecemeal critiques and call for the inclusion of a 'social clause' in the WTO Agreements and for giving a strong role for social partners such as trade unions.<sup>5</sup> Another consistent feature of these reports is the demand for greater Parliamentary involvement in the negotiation and conclusion of international trade agreements. The issues mentioned in these reports also figured largely in the content of a series of public hearings organised by the Parliament in 1999 (Bender 2002: 202-205); significantly, these hearings made a point of including 'civil society' and therefore incorporated testimony by the social partners that were traditionally left out of the trade policy-making process. These reports and hearings, while directed at the Commission, reflected a growing alignment of Parliamentary opinion with NGO and civil society critiques of the WTO system.

Parliamentary questions and testimony are another informal way for the Parliament to influence the Commission. Very often, questions are brought by MEPs who either have started to become concerned about certain aspects of

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<sup>2</sup> European Parliament, *Report on negotiations in the trade and environment committee (WTO)*, A4-0156/96 FINAL, 8 May 1996 (Rapporteur: Wolfgang Kreissl-Dörfler).

<sup>3</sup> European Parliament, *Report on Parliament's recommendations to the Commission on the negotiations in the WTO framework on the built-in agenda*, A5-0076/2001 FINAL, 28 February 2001 (Rapporteur: Konrad Schwaiger)

<sup>4</sup> European Parliament, *Report on recommendations to the EC with a view to the OECD negotiations on a multilateral agreement on investment*, A4-0073/98 FINAL, 26 February 1998 (Rapporteur: Wolfgang Kreissl-Dörfler).

<sup>5</sup> European Parliament, *Report on the trading system and internationally recognized labour standards*, A4-0423 FINAL, 11 November 1998 (Rapporteur: André Sainjon); European Parliament, *Report on the introduction of a social clause in the unilateral and multilateral trading system*, A3-007/94 FINAL, February 1994 (Rapporteur: André Sainjon).

the international trade regime or are reflecting the concerns of their constituency. Either way, these questions act as a sort of informal barometer for the Commission to understand what the public's current policy concerns are.<sup>6</sup> Testimony by DG Trade officials is another important channel for exchanging information; however, these committee meetings were rather sparsely attended during the 4<sup>th</sup> parliament and the MEPs who attended were often so ideologically diverse as to prevent the Commission officials from facing a united Parliamentary front.<sup>7</sup> Ultimately, the scope for effective influence was limited because these meetings are not constitutionally mandated oversight hearings; rather, the meetings are agreed to by the Commission to keep the Parliament informed. As a result, the Parliament is not as effective at pressing the Commission as the US Congress or the British House of Commons is to their national officials.

### **Indirect Powers and Policy Influence**

In addition to these informal powers, the Parliament also has several indirect means of influence at its disposal. These indirect powers refer to instances in which external trade matters are a component of another, larger institutional process in which the Parliament has some formal role. The first of these is the budgetary procedure, in which the Parliament has the right to approve part of the Community budget, including items relating to the CCP. While the Parliament can use this power to influence elements of the CCP, it is unclear to what extent MEPs avail themselves of this opportunity. Neither MEPs nor Commission officials and EP staff members pointed to the budgetary procedure as a sustained means of Parliamentary influence over the CCP. This is not to say categorically that the EP has never succeeded in using the budget to affect the CCP, but rather to indicate that whatever influence the EP has had has been marginal and not an effective mechanism for leveraging further expansion in EP powers.

A second indirect power includes association agreements with third countries. These association agreements are specifically exempted from coverage under the Common Commercial Policy, but are nevertheless relevant because they often include sections dedicated to bilateral trade relations. In the context of association agreements, the Single European Act endowed the Parliament with the right of assent over agreements signed with

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<sup>6</sup> Confidential interviews, 31 January 2005.

<sup>7</sup> Confidential interview, 7 February 2005.

third countries, including association agreements. Flavia Zanon, in this volume, demonstrates how the Parliament has used its right of assent over these agreements to hold up passage as a symbolic condemnation of perceived human rights abuses in Turkey. There is also evidence that an analogous agreement with Georgia was delayed for substantially similar reasons.<sup>8</sup>

What effect has this had on the agreements? The agreements themselves were not defeated, just delayed for symbolic purposes. The changes to the agreement with Turkey as a result of Parliamentary obstruction have been described only as ‘cosmetic’ (See chapter 6 in this volume: 125). The most tangible result of these actions has been to further cement the Parliament’s reputation as the guardian of European values and as a strong supporter of human rights issues. While these developments may doubtless contribute to the creation of a unique Parliamentary identity in foreign affairs, the policy consequences have been largely symbolic and rhetorical. As such, this indirect power complemented the Parliament’s alliance with civil society and human rights groups described above but did not represent a fundamental shift in Parliamentary influence over external economic policy.

These informal and indirect means of monitoring and exchanging information with the Commission are important, because they ensure an active role for the Parliament as well as keeping the lines of communication open between the Commission and Parliament. Unfortunately, many of these strategies are symbolic only and have had a negligible policy impact. Looking at the Community’s official negotiating position in the run-up to either the Seattle WTO ministerial meeting in 1999 or the launch of the Doha Round in 2002, the major concerns of the Parliament – labour rights, environmental issues, inclusion of social partners, ‘solidarity’ with the developing world – have been largely ignored. To the extent that the Parliament was able use these means to bring new items to the agenda, raise the visibility of a particular policy concern, or press human rights issues, there is scant evidence that the EP has met with any success in shifting policy content.

### **Why No Success?**

This dispiriting recap of the Parliament’s attempts at influencing CCP matters begs the question: why have they not been successful? A combination of

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<sup>8</sup> Confidential Interview, 31 January 2005.

practical and ideological problems contributed to the exclusion of the Parliament from any influential role in the CCP.

On the practical side, the Parliament had developed very little expertise in the area of external economic policy. This lack of expertise put the EP at an acute institutional disadvantage because of the highly technical, highly specialised nature of trade policy. One chief cause for this problem is the Parliament's high level of turnover on the external economic relations committee. Fewer than three or four MEPs remained on the committee from one Parliament to another, virtually eliminating all institutional memory and continuity of links with the Commission. Part of this phenomenon stems from the lack of legislative content in trade policy; unlike other policy areas in which an MEP can sponsor a bill and claim credit for its passage, there is no legislating that goes on in trade policy. Therefore, MEPs interested in building a portfolio of laws for which they can take credit generally shy away from trade.<sup>9</sup>

As a result, there were virtually no specialists on trade issues sitting on the committee during the 1990s.<sup>10</sup> Largely, the committee members active in trade issues were rather 'trade and...' figures, whose interest in trade stemmed from the intersection of their particular interest –environment, labour, culture– with the trade regime. Their attempts at influencing the Commission were therefore rooted not in terms familiar to trade specialists, but rather in the language and discourse of their sectoral field of interest. Consequently, the EP's reports were all political non-starters because they bore no resemblance to what was diplomatically possible in the context of the WTO at the time. This disjuncture contributed to the Commission's belief that the Parliament had no real understanding of trade policy. Indeed, committee meetings taking Commission testimony were a 'dialogue of the deaf' in which MEPs and trade officials would talk past each other, with the former speaking in techno-jargon while the latter making impossible demands for WTO reform.<sup>11</sup> In short, the reports and other initiatives emanating from the Parliament were not taken seriously by the Commission because they were not speaking the same language and the Parliament's proposals were considered the product of political 'dinosaurs'.<sup>12</sup> The Commission's disdain not only marginalised the EP

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<sup>9</sup> Confidential interview, 31 January 2005.

<sup>10</sup> There are, of course, several notable exceptions to this rule.

<sup>11</sup> Confidential interview, 7 February 2005.

<sup>12</sup> Confidential interview, 25 January 2005.

in policy terms, but also denied the EP a valuable institutional ally against the hostility of the Member States in the Council.

The second problem for the Parliament was ideological. In trade as in security and defence policy, there is a strong ideological resistance on the part of the Member States to allow legislative ‘interference’ in the conduct and implementation of policy. Generally speaking, national executives even in their domestic settings are very reluctant to allow legislators to have too much influence over the conduct of foreign economic policy: they are hostile to the idea of letting a painstaking negotiated international agreement be undone by the opposition of narrow, partisan interests in a legislature (Vernon, Spar and Tobin 1991). Therefore, the Member States wanted the CCP to remain a Council-Commission policy and used their representatives on the Council’s 113 Committee to keep the Commission on a short leash. This hostility extended to proposals for CCP reform. These general tendencies were amplified by ideological hostility among two key Member States –the UK and France– to any moves that would strengthen the Parliament at the expense of the Council.<sup>13</sup> Even though the Parliament was able to send delegates to both the 1996 and 2000 intergovernmental conferences, their proposals for including the EP in the CCP were never seriously considered by the Member States.<sup>14</sup>

## **The Convention and the CCP**

With this history of EP weakness, it would be tempting to think that the Convention results would be as disappointing in the foreign economic policy as in the assessment of changes to the CFSP/ESDP. However, the Parliament was able to extend its powers in the CCP substantially. Whereas there was no mention of the Parliament at all in earlier versions of the CCP, the Parliament gained two important functions: first, the right to remain informed of the status and progress of international trade negotiations and secondly, a formal role in the conclusion of all international trade agreements. These reforms were hard-won. Although the Working Group on External Action report

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<sup>13</sup> Confidential interview, 3 February 2005.

<sup>14</sup> Confidential interview, 30 September 2004.

mentioned a desire for greater Parliamentary involvement in the CCP<sup>15</sup>, the Praesidium's official drafts did not embrace this approach, setting up a tug-of-war between proponents of an increased role for the EP and Member State opposition (Interview;<sup>16</sup> Krajewski 2005: 102-105). Thanks to the tireless efforts and innovative strategies of a small band of committed MEPs, the final Draft Constitution granted the EP substantial powers in the CCP.<sup>17</sup> These changes were not as ambitious as a number of MEPs' proposals would have wanted –for example, some were asking for the right for co-decision on the Commission's negotiating mandate<sup>18</sup> but they marked the first time that the Parliament was able to enhance its role in the CCP.

Why was it only at the Convention that the Parliament was able to make this breakthrough? The first, and most obvious, factor is the setting. The Convention on the Future of Europe was unlike previous intergovernmental conferences: not only were there Member State delegations, but MEPs were equal players in the deliberations for the first time; indeed, the use of delegates and debates lent the Convention a rather parliamentary atmosphere. The inclusion of MEPs in a context with which they were very familiar made it much more difficult for the Member States to ignore their concerns. Additionally, the overriding goal of the Convention – to provide a foundation for a democratic EU – dovetailed nicely with the demands for further powers for the EP in external affairs. These reasons, while they doubtless influenced the outcome, would apply equally to the CFSP. Yet, as we know, the changes to the CFSP were not nearly as profound as in the CCP. The real explanation can be found in a mix of the Parliament's own capacity-building, an institutional alliance with the Commission, and the unity of the MEPs on CCP issues during the Convention.

Part of the answer has to do with the Parliament itself. The Parliament was considered 'immature' for most of the 1990s and could not be relied upon to act responsibly in trade policy.<sup>19</sup> As outlined above, this reputation was built on a lack of expertise in trade policy. By the end of the 1990s, the

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<sup>15</sup> Convention on the Future of Europe, *Working Group VII on External Action, Final Report*. CONV 459/02, 16 December 2002, p. 8.

<sup>16</sup> Confidential interview, 3 February 2005.

<sup>17</sup> Confidential interview, 7 February 2005.

<sup>18</sup> For a summary of reform proposals, see Convention on the Future of Europe, *Summary sheet of proposals for amendments concerning external action*. CONV 707/03, 9 May 2003, pp. 103-110.

<sup>19</sup> Confidential interview, 7 February 2005.

Parliament began focusing more on ‘capacity building’ by developing knowledge and expertise in the field of trade policy. MEPs had always had the possibility to accompany the Commission to WTO Ministerial meetings; with the prospective launch of a new trade round in 1999, there was a conscious effort made in the new 5<sup>th</sup> legislature to play a constructive role. This newfound desire to become more familiar with the actual functioning of the WTO was rewarded: by the time of the Doha meeting in 2001, the Commission worked closely with the Parliamentary delegation and started giving the Parliament very detailed information on the status of negotiations (Bender 2002: 196). Similarly, one can see during this time a shift in emphasis in the own-initiative reports issued by the Parliament; the Parliament’s demands are more securely couched in the context of WTO practice and focuses on tweaking a few areas rather than calling for reforms that would upend the entire international trade regime.

The Parliament’s move to develop more trade expertise coincided precisely with the events of the WTO’s disastrous 1999 summit meeting in Seattle. The massive street protests against the WTO agenda created a paradigm shift in public perceptions of trade policy: international economics became ‘high politics’ overnight.<sup>20</sup> Trade officials were acutely aware of the danger inherent in allowing international trade policy to remain the preserve of technocrats (Lamy 2002). The Commission knew that they needed to attract more popular support for the WTO, and one way of doing that was to involve the Parliament in a greater capacity. Because of the Parliament’s pre-existing links to civil society groups and social partners, deepening the involvement of the Parliament in trade policy seemed an ideal way to address this new challenge. The Commission then needed the Parliament more than ever at the exact moment that the Parliament made a conscious effort to play a more substantive role in trade policy. The Parliament quickly moved to take up a position as an intermediary between the ‘civil society’ groups protesting the WTO meetings and the national trade delegations by establishing meetings of parliamentarians to monitor the developments of each WTO Ministerial. While this did not meet with the overwhelming approval of the Commission, the Parliament created a badly needed institutional link between the WTO and civil society that had not existed before.

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<sup>20</sup> Confidential Interview, 7 February 2005.



Another major factor in the Commission's change of heart was the arrival of Pascal Lamy as Trade Commissioner. The previous Commissioner, Sir Leon Brittan, was respected but not particularly well-liked. Furthermore, he preferred to spend his political capital on enhancing the Commission's power vis-à-vis the Council rather than propping up the Parliament. Lamy took a different approach, and was a strong supporter of giving a greater role in trade policy to the EP. He pushed strongly for this during the 2000 IGC, but was unable to overcome Member State resistance. Nevertheless, he continued to believe that the Parliament had a valuable role to play in legitimising the Community's trade policy. His public support for the Parliament was based on two calculations. First, Lamy's hand would be strengthened in WTO negotiations if he could show that he had the support of a popularly elected body. Secondly, EP support would strengthen DG Trade's position within the Commission itself when disputes arose with sectoral DGs such as agriculture. Lamy's support gave the Parliament a badly needed ally in its struggle for greater representation.

The final, and perhaps most important, factor explaining the EP's success during the Convention was their ability to work together as a bloc. There was wide-spread cross-party agreement about the need to expand the role of the EP in trade policy; according to one participant, Member State delegations to the Convention were 'all over the place' on this issue and the EP delegation was able to exploit the disarray of the Member States to their own advantage.<sup>21</sup> One key argument they used was the precedent of the Uruguay Round. Because of the Parliament's right to approve any international agreement with substantial budgetary implications, the WTO Agreement in 1995 was submitted for Parliamentary approval. MEPs convincingly argued that it would be illegitimate to deny the Parliament similar authority at the end of the new round of trade negotiations.<sup>22</sup> This was part of a conscious strategy of the EP delegation: they chose their high-priority goals for the Convention and worked tirelessly to obtain them. Member State disunity gave the EP the opening they needed to press vigorously for enhancing their role in trade policy.

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<sup>21</sup> Confidential interview, 3 February 2004.

<sup>22</sup> Confidential interview, 7 February 2004.

## Lessons for the CFSP

Several lessons can be drawn from the Parliament's experience in CCP matters. The first lesson stems from the shared legislative status in external affairs; just as in the CCP, the CFSP/ESDP does not lend itself to concrete legislative output in the same way that a regulatory sector does. Such a diminished legislative arsenal means that the 'informal' means of influencing policy will have no binding effect, and will therefore not be sufficient to have a major policy impact. Certainly, budgetary controls and the ability to raise the salience of a particular issue will carry some weight, but to change the substance of the EU's position requires more. Therefore, studies of the CFSP that celebrate the Parliament's informal or indirect powers may be giving false hope. The road to greater influence comes from more than just releasing reports and haggling over budgetary line items.

This 'something more' can take the guise of greater policy expertise on the part of the Parliament. The crucial element that held back the Parliament's credibility with DG Trade was its lack of interest and understanding of the trade regime and treating trade as an extension of other policy areas. As soon as the Parliament began to take a more active role and sought to develop greater knowledge and understanding of the trade processes, the Commission began to take them much more seriously. This 'expertise' is not the same as giving in to the Commission's preferences. Furthermore, 'expertise' does not imply that MEPs need to become as well-informed on the minutiae of trade issues as Commission technocrats; it seems neither likely nor desirable for MEPs to debate percentage points and decimals with DG Trade. Rather, 'expertise' in this context means that the Parliament and the Commission share a common policy reference. The Parliament has realised its interest in developing this type of capacity and expertise in CFSP matters<sup>23</sup> and the establishment of a specific committee to address foreign and security policy issues is further proof that the Parliament takes this exercise seriously.

The Parliament's enhanced credibility will more than likely have a knock-on effect with other Community institutions, principally the Commission. The Commission understands the value of having public support for its initiatives and how that support can strengthen the Commission's position vis-à-vis external actors or even the Council. The

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<sup>23</sup> Confidential interview, 3 February 2005.

public support of the Commission – through the statements of Pascal Lamy – for the extension of the Parliament’s power is at once the logical outcome of the Parliament’s greater credibility as well as the key shift that gave the Parliament’s claims much greater resonance during the Convention. In terms of the CFSP, the ‘double-hatted’ Foreign Minister that is both part of the Commission and the Council provides both greater risk and greater opportunity for the Parliament. It poses a greater risk because the new Foreign Minister is dependent on the Council and may be very unwilling to challenge its authority; on the other hand, should the Foreign Minister become convinced of the need for greater Parliamentary powers, his position may well reduce the ability of the Council to frustrate his plans. In the end, the Parliament will need the support of the Commission in its claims for greater powers; the question is how they can best go about doing that.

The final lesson to be drawn from this experience is the value of unity among MEPs when pressing for greater powers. On trade policy, the MEPs at the Convention were entirely unanimous in pushing for greater Parliamentary involvement. They had internal disagreements, but on the basic issues other Convention actors found it difficult to divide and weaken the Parliament’s representatives. Indeed, the Convention indicates how a united Parliamentary front can turn the tables on scattered Member State positions. There is little evidence for such a breakthrough in the CFSP, which begs the following question: were the MEPs united on CFSP demands? If the answer to this question is no, then the challenge for greater Parliamentary involvement in the CFSP will be to establish a wide, cross-party consensus on a greater role for the Parliament.

If the answer to the first question is yes, then we must investigate why their unity was restricted to such seemingly small, incremental steps. This may require a reassessment of the EP’s success on CFSP matters during the Convention. One MEP who was a delegate to the Convention claimed that the Parliament in fact ‘really scored’ with the Convention results. Partly this had to do with the changes targeted as high priorities by the EP delegation: the establishment of an EU Foreign Minister, the need for consultation prior to any joint external action, and enhanced and structured cooperation in both the CFSP and the ESDP. Furthermore, the MEPs were able to defeat a British plan for a ‘third chamber’ of national parliamentarians tasked with oversight of the CFSP. Having achieved those high-priority goals and defeated challenges to the EP’s authority, it may be possible to claim that the

Parliament *was* successful in CFSP matters at the Convention. If the Parliament did achieve its goals during the Convention, such a conclusion implies that there was either a lack of cross-party support for greater changes to the CFSP or a widespread belief among the MEPs that the EP should remain less engaged in foreign and security policy.

## Conclusion

This contribution has sought to shed some light on the problems of accountability and institutional evolution in CFSP/ESDP matters by looking at the EC's common commercial policy. Of course, the prospects of greater EP involvement in the CFSP will necessarily be different than in the CCP: the EP has to contend with the competing roles WEU Assembly and national parliaments as well as with the claim that sovereignty on CFSP matters remains with the Member States rather than the Community.<sup>24</sup> One can therefore reasonably expect the eventual formal role of the EP in CFSP matters to be more complicated and perhaps less substantial than what has been achieved in the CCP. Indeed, MEPs themselves seem to realise this: a substantial portion of MEPs at the Convention did not believe that the Parliament should extend its role too far in the CFSP. Even so, most observers have characterised the outcome of the Convention as a disappointment in terms of democratic accountability and the CFSP. The EP is now faced with two questions: What are the proper limits to its powers in the CFSP, taking into consideration concerns about both accountability and efficiency? And secondly, what strategies can it use to achieve these desired reforms?

This article has sought to provide the beginnings of an answer to the second question through an assessment of the successful EP strategy to enhance its formal role in the CCP. Despite the instinctive belief that the CCP and the CFSP are completely different, they have both been characterised by strikingly similar institutional and developmental problems. In the sphere of accountability, the experience of the CCP indicates that the Parliament should not expect too much from its current informal and indirect

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<sup>24</sup> The author thanks participants at the FORNET conference for asserting these points of difference between the CFSP and the CCP.

powers. Change will only come via the development of expertise and the concomitant increase in credibility that this will bring. In this context, proposals for a new committee to deal exclusively with CFSP matters are to be encouraged. If the CCP is any guide, then the EP's increase in credibility can be leveraged by a united Parliamentary front during future reformulations of the Constitution.

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## CHAPTER 3

# Parliamentary oversight of EU external military operations: The roles of the British, French and Italian parliaments

Giovanna Bono

## Introduction<sup>1</sup>

Between 2003 and 2004, the EU marked its arrival on the international scene as a military actor by sending police units and military forces with a peace-enforcement mandate to Bosnia-Herzegovina and the Former Yugoslav Republic of Macedonia (FYROM). It also went outside its European borders by launching a peace-enforcement operation in the Democratic Republic of Congo (DRC): Operation Artemis. During the decisions to embark on these operations, the European Council negotiated important aspects of external military engagements that will have a vital impact on future patterns of EU military undertakings. For example, the European Council concluded an agreement of cooperation with NATO for external crisis management, the so-called Berlin Plus; it negotiated the rules for the financing of its military operations; it determined the laws that should govern the status of EU forces and finalised the types of agreements that should be signed with non-EU or non-NATO countries taking part in operations. The aim of this article is to examine the level of democratic scrutiny exercised by the British, French and Italian parliaments in the decision-making process before and after two of the first three operations: Concordia and Artemis. Hence, I will analyse the control exercised by these parliaments on the activity of their national

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<sup>1</sup> The author is grateful to the British Academy for financial support she received to undertake face-to-face interviews. Many thanks are due to all British, French and Italian MPs who agreed to be interviewed.

ministers during the preparation of the General Affairs External Relations Council's (GAERC) meetings, when the agenda and the main guidelines of decision-making were established (ex-ante accountability) and on the scrutiny after the operations had been launched (ex-post accountability). Parliamentary supervision in foreign, security and defence issues is today more important than ever because there is an emerging new division of labour between Europe and the United States in international security within the context of a challenge to international legal norms on the use of force.

By comparing the performance of parliaments, this article will contribute to the debate about the relationship between democracy and security. In fact, despite substantial public support for the development of the ESDP (European Security and Defence Policy), there is an ongoing controversy surrounding the extent to which national parliaments in Europe have the means to provide collective control over the decisions and implementation of EU defence and security policies. To summarise the debate, there are those who argue that the internationalisation of security, of which recent EU military operations are an expression, challenges the ability of national parliaments to control the executive. The reasons for this range from the inability of national parliaments to shape collectively ESDP policies prior to their approval, to the impossibility to modify decisions after they have been taken by the European Council. (Stavridis 2001; Gravilescu 2004) Opponents of the 'democratic deficit' argument stress the intergovernmental nature of the ESDP and the fact that national governments are in charge of the decision-making process. From this perspective, it is up to national parliaments, in their individual capacities, to oversee decisions taken in the European Council.<sup>2</sup>

The article is structured in two parts: in the first part, I briefly sketch how the existing literature has compared performance of the British, French and Italian parliaments' roles in foreign, security and defence policies and in European affairs. In the second part, I summarise key aspects of the two operations, Concordia and Artemis, and then outline the findings. These results were obtained through a review of public available sources and qualitative interviews, undertaken in the autumn of 2004, with the chairmen

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<sup>2</sup> This is a position expressed by British, French, and Italian government officials at time of writing.



and members of parliaments of national committees responsible respectively for Foreign Affairs, Defence and European Affairs.<sup>3</sup>

## Comparative performance

How has the performance of national parliaments in the supervision of foreign, security and defence policies and European affairs been compared until now? Some explanations have been put forward as to the reasons why parliaments have different opportunities to shape legislative output. (Blondel 1973; Norton 1998) There are also studies that clarify the differences in national parliaments' performance in multilateral security engagements<sup>4</sup> and in European affairs. (Maurer and Wessels 2001; Norton 1996; Smith 1995; Katz and Wessels 1999; Bergman September 1997) If these findings are combined, some key factors can be identified as potential explanations for the differential relationships that exist between the executive and the legislature in the area of foreign, security and defence policies and in the area of European affairs. These are: constitutional traditions, including the law-making powers of parliaments; whether the executive is elected by a majority of parliaments or whether the executive is more independent of parliament; the role of political parties and public opinion; traditions over the use of military force; how international legal norms on the use of force have been interpreted by successive governments; trust in European institutions; procedural issues such as the degree of committees' specialisation (their power of agenda settings, jurisdictions, access to resources and nature of membership) and the stages at which a bill is referred to committees for detailed consideration.

Despite this knowledge, most of the comparative literature that has been published during the past ten years tends to describe the performance of the British and French parliaments in the scrutiny of foreign, security and defence policies as relatively weak and that of the Italian Parliament as strong, by focusing on a limited number of factors: the formal legal powers that the

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<sup>3</sup> Interviews were undertaken with the following British, French and Italian MPs: Donald Anderson, Bruce George, William Cash, Michael Connarty, Kevan Jones, Gisela Stuart, Bill Tynan, Wayne David, Michel Voisin, Roberto Lavagnini, Dario Rivolta, Elettra Deiana, Marco Zacheria and assistants to the French, British and Italian Committee of the European Union. And an interview with Dr. Rita Palanza.

<sup>4</sup> There are no up-to-date comprehensive analyses but some comparative country analysis, an exception is (Ku and Jacobson 2002).

two parliaments have and the functions of the committees involved in foreign, security and defence policies. Thus, for example, Hans Born (2004) in a seminal comparative analysis of the performance of parliaments in overseeing multinational peace support operations, highlights the functions that the parliaments have by focusing on their legal powers without investigating whether and how these powers are used.

**Table 2.1.** Powers of the parliaments during the decision to send troops abroad

Functions	France	Italy	UK
Approval of sending troops abroad <i>a priori</i>	No	Yes	No
Approval of mission mandate	No	Yes	No
Approval of budget of the mission prior to the launch	No	Yes	Yes
Approval of budget of the mission after the launch of the operation	Yes	Yes	Yes
Approval of operational issues (Rules of Engagement, command and control and risk assessment)	No	No	No
Approval of duration of the mission	No	Yes	No
Parliamentarians have the right to visit troops on a mission	Yes	Yes	Yes

Source: Born and Urscheler (2004)

Most descriptive and comparative analyses follow this model (WEU Assembly<sup>5</sup>; Wessels 2002). From this legal perspective, the British and French parliaments are located on the ‘weak’ side of the spectrum and the Italian one on the strong. The British system is described as ‘weak’ because, in Britain’s unwritten constitution, the power to agree treaties and declare war is a royal prerogative. Thus, the British Government can sign treaties, go to war and send troops on peace support missions under this prerogative without having to consult Parliament before taking such decisions. Similarly, the French Constitution of 1958 attributes to the executive the monopoly over the deployment of force. Hence there is no formal requirement on the part of the French Government to request parliamentary approval for the external deployment of its forces, except for a declaration of war or a state of

<sup>5</sup> WEU Assembly, *National parliamentary scrutiny of intervention abroad by armed forces engaged in international missions: the current position in law*. Brussels, 4 December 2001.

emergency. The French Parliament is not involved in the ratification of military cooperation agreements, defence treaties and security agreements. In comparison, the Italian Parliament is described as ‘strong’ because the Italian Constitution has provisions that regulate the use of military forces abroad.

The literature on parliaments in EU affairs comes to opposite conclusions regarding performance: the British and French parliaments have superior forms of overseeing EU affairs compared to the Italian. (Maurer and Wessels 2001:20-21, 448-452, 461-465) One of the many variables responsible for this is the fact that the European Affairs Committee of the Italian Parliament does not have the same formal powers of scrutiny as the British European Scrutiny Committee or the French Delegation for the European Union. This is also reflected in the area of the CFSP (Common Foreign and Security Policy), as the table below exemplifies.

**Table 2.2.** European Affairs Committees and national scrutiny processes

<b>Formal Rights in the CFSP</b>	<b>French National Assembly</b>	<b>Italy Camera</b>	<b>Italy Senate</b>	<b>UK House of Commons</b>
Does the committee have a formal right to receive and discuss draft documents on the CFSP?	Yes	No, at discretion of the Government	No, at discretion of the Government	Yes

Sources: For Italy: interview with Dr. Rita Palanza, Camera dei deputi (4 November 2004). For Britain: Ware and Wright (2004); Maurer and Wessels (2001: 443).

Taking into account these brief comparative remarks, let us now turn to an analysis of parliamentary performance in the supervision of Operation Concordia and Operation Artemis.

## **Operation Concordia**

On 27 January 2003, the General Affairs European Council agreed to undertake Operation Concordia by approving a Joint Action, made official on

4 February 2003.<sup>6</sup> However, the operation did not start until 18 March 2003 because the launch involved the conclusion of agreements between the EU and NATO on crisis management aspects, the so-called Berlin Plus. The operation involved sending 467 troops from 26 countries to the Former Yugoslav Republic of Macedonia (FYROM) to ensure the implementation of the 'Ohrid Agreement', which provided for a new constitutional form of power sharing among the ethnic Albanians and the Macedonians. The EU, with the support of NATO and the United States, had negotiated the agreement during the summer and winter of 2001, following the outbreak of armed conflict between ethnic Albanians and Macedonians. Operation Concordia was designed to take over the security and military functions that until then had been undertaken by the NATO operation Allied Harmony. (In fact, between 2001 and 2003, NATO had launched three military operations in the FYROM).<sup>7</sup> Operation Concordia was only agreed after the EU had been invited by the Macedonian Government to do so and the UN had approved its mandate under UN Security Council Resolution 1371 (Mace 2004).

### **British Parliament: Operation Concordia**

*Ex-ante accountability.* MPs belonging to the Foreign Affairs and Defence Committees<sup>8</sup> were not consulted either formally or informally in the decision to launch Operation Concordia. Interviews confirmed that both committees had no formal right of consultation over aspects of the operation; such as the mandate, the chain of command or the rules of engagement. Although the Defence Committee approved the defence budget, it could not have used its control over it to influence aspects of the operation, if it had so wanted. This is because the defence budget is sent by the Government to the committee approximately every three months and is of a very generic nature.<sup>9</sup>

In contrast, MPs in the Select Committee on European Scrutiny actively monitored and raised substantial questions about the legal process

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<sup>6</sup> European Council, *Council Joint Action on the European Union Military Operation in the Former Yugoslav Republic of Macedonia*, COSDP 56, Relex 35, NO 5794/03, Brussels, 4 February 2003.

<sup>7</sup> The operations, which succeeded one another were: 'Operation Essential Harvest' launched on 24 August 2001; Amber Fox', launched in September 2001; Allied Harmony, launched on 16 December 2002.

<sup>8</sup> Interviews with Donald Anderson, Bruce George, Gisela Stuart and Kevan Jones.

<sup>9</sup> Interview with Bruce George.

related to the operation. The Committee, in fact, has a right to view all documents submitted for discussion in the European Council, including those for decisions taken under the CFSP. It has a right of access to information and also a right to approve the documents prior to their endorsement by the European Council; (Ware and Wright 2004; Maurer and Wessels 2001:395-421) though in the area of ESDP a debate has taken place, which remains inconclusive at the time of writing, as the sections below demonstrate. If it is not satisfied with the legislation proposed, the Committee can take three steps: request more information; decide whether the document should be debated on the Floor of the House or one of its three European Standing Committees; decide to put forward a scrutiny reserve resolution. The last option constrains ministers from giving agreement to proposals or recommendations at European Council meetings. It is not the Committee's role, however, to express an opinion with regard to the merit of policies. As MP William Cash explained in an interview with the author: "We do not have the power to scrutinise ... we do not express a view, though we sometimes get close to scrutiny".<sup>10</sup> The discussions in the Committee remain private, there is no public record of the votes taken and not all the documents shown to it are publicly available.

The British Government agreed to Operation Concordia before the European Scrutiny Committee had the opportunity to view the final draft of the decision and give its consent. As previously stated, the GAERC made public the Joint Action for Operation Concordia on 4 February 2003 and then agreed to launch the operation on 18 March. On 22 January<sup>11</sup> and 29 January<sup>12</sup>, members of the Committee saw drafts of the Joint Action and cleared them while holding some reservations and requesting additional information. However, the Committee did not receive the final version until 12 February.<sup>13</sup>

Similarly, Members of the Committee were kept informed about the aspects of the operation, but they did not see the final version of the decision

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<sup>10</sup> Interview with William Cash.

<sup>11</sup> European Scrutiny Committee (House of Commons), *Unofficial Presidency text of a draft Council Decision implementing Joint Action establishing an operational Fund to provide for the financing of the shared costs of operation ALPHA*, 24182, London, 22 January 2003.

<sup>12</sup> European Scrutiny Committee (House of Commons), *EU Military Operations in the Former Yugoslav Republic of Macedonia*. Tenth Report 9, 24205, London, 29 January 2003.

<sup>13</sup> European Scrutiny Committee (House of Commons), *EU led military crisis management operation in Macedonia*, London, 26 March 2003.

taken by the European Council to launch the operation on 18 March. In fact, the European Scrutiny Committee only viewed the document on 26 March 2003; that is, nearly a week after the operation had begun. In that instance, the only additional information that the Government released was the list of topics of negotiations between the EU and NATO prior to the agreement and a clarification of the documents that the European Council considered as secret. The Government argued that the operational plan could not be made public and that it contained the following elements: command and control structure, threat assessment, rules on the use of force, and logistics and reserve, as well as other operational issues. The Committee agreed that the operational plan should not be deposited with the Committee.<sup>14</sup>

The role of the European Scrutiny Committee in the ex-ante accountability phase was to use its power to request additional information and clarifications. It did not go as far as using its reserve resolution options, though it seems that members of the Conservative Party involved in the Committee came close to such an action. Interviews with Members of the Committee reveal that some MPs were reluctant to approve the operation because they were concerned that, during the negotiations on specific aspects of ESDP military operations, the British Government would give away its sovereignty over defence matters. This can be seen during the discussion on the status of EU forces, described below. In addition, some MPs wanted to clarify the principles on the level of access to information that the Committee should have over ESDP matters. As MP Bill Tynan explained, the main concern of the Committee was not so much to view the final draft of the decision but rather to have access to the information that the Government had to allow the process to go forward.<sup>15</sup> By so doing, the committee was testing its ability to be part of the decision-making process.

In fact, on many occasions the Committee officially complained about the government's failure to provide all the necessary information so that they could assess the decision. MPs wanted clarifications on the exact procedures to be followed in case of urgency. Hence, on 29 January 2003, Mr Denis MacShane, the Minister for Europe, was told to “present to us its detailed proposals on scrutiny of EU-led military operations and undertakes it shortly

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<sup>14</sup> European Scrutiny Committee (House of Commons), *EU led military crisis management operation in Macedonia*. London, 26 March 2003.

<sup>15</sup> Interview material.

on this issue".<sup>16</sup> Then again on 12 February 2003, the Committee complained that the Government had not submitted the Draft Joint Action with an Explanatory Memorandum prior to the decision being taken. The Committee also reminded the Minister that, in May 2002, they sent a letter to the Foreign and Commonwealth Office asking about the course of events they would envisage in the case of a developing crisis, in which the Council eventually decided to undertake an EU-led military crisis management operation.<sup>17</sup> On 12 February 2003, the Minister for Europe responded to the Committee's complaint by apologising and arguing that there had been insufficient time to submit the decision for scrutiny because specific EU-NATO arrangements had to be in place before the decision could be adopted. The full official answer to questions about procedures came only four months later, in relation to discussions about Operation Artemis.

During January and March 2003, the European Scrutiny Committee viewed documents related to two issues: the financing of the operation and the Agreement under Article 24 between the EU and non-EU countries.

*Financing of the operation.* The question of financing is of importance because it determines the extent to which EU-led military operations remain strictly an intergovernmental affair or whether the Commission and the European Parliament are also involved in decision-making. (Missiroli 2003) On 22 January 2003, the Committee received a document for clearance that explained the generic model and different options under discussion in the European Council for financing the common costs of ESDP operations. The Committee approved the document and urged that arrangements should be established without delay. However, the Committee had some reservations about the role of the Presidency. It wanted to know what would happen if the country holding the Presidency would not take part in the military operation. They asked if the country would then still have a say in the conduct of the operation. In addition, it requested clarifications about how non-EU, third country, contributors would participate in the financing, as the draft proposal presented contained contradictory statements.<sup>18</sup>

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<sup>16</sup> European Scrutiny Committee, 29 January 2003, *op.cit.*

<sup>17</sup> European Scrutiny Committee, 12 February 2003, *op.cit.*

<sup>18</sup> European Scrutiny Committee, 22 January 2003, *op.cit.*; European Scrutiny Committee, 12 February 2003, *op.cit.*

Between 25 February and 11 March, the European Scrutiny Committee cleared the Council's decision concerning the conclusion of agreements under Article 24 between the EU and third country contributors to Operation Concordia.<sup>19</sup> Similarly, on 26 February 2003, the Committee approved a Draft Council Decision on this topic in which the provisions included aspects of command and control arrangements, financing and access to EU classified information. However, the Committee requested the Minister to provide a full Explanatory Memorandum as soon as the document containing the outcome of the negotiations became available. The material submitted for scrutiny was considered as a simple preliminary document for opening negotiations.<sup>20</sup>

*Ex-post accountability.* Once the operation was launched, the European Affairs Scrutiny Committee was not formally involved in the monitoring of the operation because, as previously explained, its role is confined to the clearance of EU documents. The Committee does not have powers to scrutinise the merit of the policies presented. Its final task with regard to Operation Concordia was to view and clear, without raising any questions, the Council's decision concerning the conclusion of agreements under Article 24 between the EU and third country contributors to the EU military operation in the FYROM, and the Council's decision on the extension of the EU military operation in the FYROM.<sup>21</sup>

The role of overseeing the peacekeeping and peace-enforcement operations is held by the Defence Committee. In this committee, no formal discussions on the operation took place. According to Bruce George, the President of the Committee, members were in agreement with the British Government and, since they had also already extensively discussed ESDP during the previous two years, they decided to prioritise other issues.<sup>22</sup>

During 2003 and the early part of 2004, the Foreign Affairs Committee was not involved in overseeing either Operation Concordia or other political and security policies concerning the FYROM. The working priorities of the

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<sup>19</sup> European Scrutiny Committee (House of Commons), *Council Decision concerning the conclusion of agreements under Article 24 between the EU and non-EU third country contributors to the EU Military Operation in the FYROM*, London, 10 March 2003.

<sup>20</sup> European Scrutiny Committee (House of Commons), *Draft Council Decision concerning the conclusion of agreements under Article 24 between the EU and non-EU third country contributors to the EU Military Operation in the FYROM*. Thirteenth Report, 24274, London, 26 February 2003.

<sup>21</sup> European Scrutiny Committee (House of Commons), *The EU Military Operation in the DRC*, London, 10 September 2003.

<sup>22</sup> Interview material.



Committee were Gibraltar, Zimbabwe and the war against terrorism. Although MPs in this committee had visited Afghanistan, Iran and Iraq, they had not visited the Western Balkans since 2000<sup>23</sup>. MP Donald Anderson, the President of the Foreign Affairs Committee, did, however, discuss aspects of the operation with the head of the EU military force and other senior military officers within the context of meetings organised by the NATO Parliamentary Assembly.

In the House of Commons, two written questions and an oral one were raised. They covered the following subjects: the plans to launch the operation (Mr Jenkins, 2 July 2002); the number of interpreters taking part in the British contingent (Mr Jenkins, 7 April 2003); the number of countries taking part in the operation (Mr Spring, 11 April 2003). In addition, the Select Committee on 11 February 2003 asked how many British personnel were participating in Operation Concordia.

In summary, these findings show that, in the case of the British Parliament, only the European Scrutiny Committee exercised ex-ante accountability. The Foreign Affairs and Defence Committee did not show any interest. Members of the European Scrutiny Committee understood that there were important legal aspects that were being negotiated during the launch of the first EU military operation and wanted a clarification of their role in the policy-making process prior to a decision being taken, along with clear legal procedures for the involvement of British troops in these new arrangements. In addition, members on the committee wanted a clarification of the level of access to information.

### **French parliament: Operation Concordia**

*Ex-ante accountability.* The Vice President of the Defence Committee, Michel Voisin, confirmed that the committees and the national assembly did not discuss Concordia prior to its launch since it is the prerogative of the Executive, and not of Parliament, to decide to undertake military operations. He stressed that under no circumstances can Parliament influence the decision to deploy forces, except in a war-like situation.

Article 88-4 of the Constitution, as revised in 1992 and 1999, gives the French Parliament the power to the Delegation of the European Union, its specialised committee on European Affairs, to approve all drafts of EU

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<sup>23</sup> Interview with Gisela Stuart.

documents including those in the CFSP. In contrast to its British counterpart, the Delegation can express an opinion through a resolution. A parliamentary scrutiny reserve gives the French Parliament the option to vote for or against an instrument. The Delegation has three options: to approve it; to defer taking a decision and ask a 'rapporteur' to address in greater depth the examination of the document; or to oppose it. There is, however, an emergency examination procedure that allows the Government to ask the President of the Delegation to directly carry or reject a draft European instrument, without convening the Delegation, when the Community schedule requires the urgent adoption of a text.<sup>24</sup>

Given these legal requirements, the Minister of European Affairs and the Minister of Foreign Affairs sent two separate letters concerning Operation Concordia to the Delegation of the European Union on 22 and 24 January 2003 respectively. In these letters, the ministers asked the President of the Delegation, MP Pierre Lequiller, to take an urgent decision on the matter. The President of the Delegation lifted the parliamentary scrutiny reserve on Operation Concordia and on a document covering financing issues by using the emergency examination procedure. He then informed the Delegation that he had done so on 30 January 2003. The operation was therefore not discussed in the Delegation prior to its approval.<sup>25</sup>

*Ex-post accountability.* Information concerning the operation was provided during interviews organised by the Defence Committee. On 28 May, the Minister of Defence, Michèle Alliot-Marie, explained the type of operations that France was undertaking and mentioned Concordia<sup>26</sup>. General Henri Bentegeat made similar references during an interview held five months later.<sup>27</sup> On both occasions no debates or questions were raised about specific aspects of the operation that are publicly available. The Defence Committee did not undertake a study on the significance of the operation for future EU-NATO operations or for the political situation in the FYROM. As MP Michel Voisin explained, the evaluation is undertaken when the Minister for Defence

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<sup>24</sup> Website of the French National Assembly, <<http://www.assemble-nationale.fr/english/european-delegation.asp>>

<sup>25</sup> Délégation pour l'Union Européenne. *Compte Rendu 8*, Paris, 30 January 2003.

<sup>26</sup> Commission de la Défense Nationale et de Forces Armées, *Compte Rendu No. 40*, Paris, 28 May 2003.

<sup>27</sup> Commission de la Défense Nationale et de Forces Armées, *Compte Rendu No. 40*, Paris, 28 October 2003.

provides a summary of the operation to the Defence Committee.<sup>28</sup> However, MPs demonstrated a general interest in the significance of the operation on the development of the European Security and Defence Policy, as will be discussed in the next section.

To summarise, the French Parliament did not discuss the operation prior to its launch. The Delegation of the European Union was prevented in doing so because the emergency examination procedure was used. Once the operation was underway, the Government kept Parliament informed on basic aspects of the operation. MPs did not show an interest in the details of the operation, that is, the issue of financing, status of forces, etc. There was an overall consensus on the importance of the operation on the development of European defence and the shaping of the EU-NATO relationship.

### **Italian Parliament: Operation Concordia**

*Ex-ante accountability.* The Italian Government took part in Operation Concordia with 45 military units, most of which were the same as those that were part of the NATO operation Allied Harmony. As MP Marco Zacchera, member of the Foreign Affairs Committee, explained in an interview, “the Government welcomed the operation, which was perceived, from a political point of view, as a demonstration of the ability of Europeans to manage European problems”.<sup>29</sup>

Officially, the Italian Government argues that Parliament was informed about Operation Concordia through a law decree dated 20 January 2003<sup>30</sup>, which was converted into law on 18 March 2003.<sup>31</sup> A close scrutiny of the procedures, however, reveals a slightly more complex picture.<sup>32</sup>

The law decree that was presented to Parliament on 20 January 2003 did not contain a specific reference to Operation Concordia or to the fact that negotiations were underway to transfer aspects of NATO tasks in the FYROM to the EU. The law decree, which is issued every six months to allow the renewal and extension of the mandate of all Italian troops abroad, simply

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<sup>28</sup> Interview with Michel Voisin.

<sup>29</sup> Interview with Maro Zacchera, Member of the Foreign Affairs Committee and Vice-President of the EU Interim Security and Defence Assembly.

<sup>30</sup> Decreto Legge 20 gennaio 2003, no. 4, convertito con modificazioni dalla legge 18 Marzo 2003, no. 42, recante disposizioni urgenti per la prosecuzione della partecipazione Italiana ad operazioni militari internazionali.

<sup>31</sup> Camera dei Deputati, *Gazzetta Ufficiale No. 66*, Rome, 20 March 2003.

<sup>32</sup> Interview with the Vice President of the Italian Defence Committee, MP Roberto Lavagnini.

mentioned that the presence of Italian police and military units in Kosovo, FYROM and Albania should be extended until 30 June 2003. The decree provided information on costs and type of forces sent, the status of forces and specifications of the tasks to be followed.

The Government, through its Undersecretary of State for Foreign Affairs, Mario Baccini, informed Parliament of Operation Concordia on 5 February during a joint meeting of the Defence and Foreign Affairs Committees.<sup>33</sup> In other words, the Government informed the Italian Parliament of its decision to take part in the operation after it had already agreed to do so in the European Council. Parliament's role was therefore to provide purely ex-post accountability. Indeed, as MP Roberto Lavagnini, the Vice President of the Defence Committee, confirmed in an interview with the author, Parliament ratified the decision taken by the Government with regards to the financing, participation and rules of engagement to be followed in the operation.

The Foreign Affairs, Defence and European Affairs committees did not debate Operation Concordia. There were no discussions about the financing, rules of engagement, the nature of the cooperation between the countries involved in the operation and the status of forces.<sup>34</sup> MP Dario Rivolta, Vice President of the Foreign Affairs Committee, explained that there was no involvement because the Italian Foreign Affairs Committee has no competency in this field. As he stated:

“It is a decision that is taken by the Government. The decision is taken in the form of a law decree (...), which can become law. This decree authorises the presence of Italian troops abroad and is not part of a strategic plan to justify the presence of Italian troops. The commissions of Foreign Affairs, Defence and European Affairs, meeting together, ratify the decision that is then sent to the floor of the house. The decision is, however, taken at government level with no parliamentary involvement.”<sup>35</sup>

In his view there was, however, no need for the Government to introduce a resolution for Operation Concordia, because the law decree, which has to be become law within 60 days, already mentioned NATO's involvement in the

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<sup>33</sup> Commissione Riunite III and IV, *Resoconto*, Rome, 5 February 2003.

<sup>34</sup> Interview material.

<sup>35</sup> Interview material.

FYROM. The issue could have been debated through a law decree or a resolution, but this did not happen. In MP Elettra Deiena's opinion, at a constitutional level the Italian Parliament could have requested this information, but it decided not to do so because of lack of political pressure.<sup>36</sup>

During the debates on the decree, the Legislative Committee expressed concerns about the lack of a normative and disciplinary approach that could be applied to all international military operations. The same criticism was voiced by MPs from the Democrazia di Sinistra and Margherita, political formations on the centre-left forming the opposition. In a debate on the floor of Parliament on the law decree, only one question was raised with regard to Operation Concordia. After welcoming the decision to give the EU a military role in the FYROM, MP Bedin stated, "we believe that Parliament should have been informed before, especially for matters concerning the financial consequences of our participation".<sup>37</sup> In the Committee stages, Rifondazione Comunista, a left-wing party, voted against the law decree; not because they were fundamentally opposed to Operation Concordia, but because of the way in which the law decree was presented in that it put together war-like operations, such as those undertaken in Afghanistan, with peace-keeping and police operations. As MP Elettra Deiena explained, "Every mission has to be discussed on its own merit. If a mission changes from being led by NATO to the EU, there should be a change in the decree... We rejected the decree because in it there were operations that we do not support. The law decree is global, there is everything in it. To vote for an undifferentiated container means to deprive the Parliament of its authority. The law decree 'omnibus' is a decree for everything; it's a delegation of power to the Government".<sup>38</sup>

*Ex-post accountability.* There were no discussions or specific studies undertaken concerning Operation Concordia in the three Italian committees investigated. MP Marco Zacchera, a member of the Foreign Affairs Committee, explained that, although the Committee discussed the situation in the Balkans on many occasions, there was no specific reference made to Concordia.<sup>39</sup> Those MPs who are members of the WEU Assembly had, however, the opportunity to

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<sup>36</sup> Interview material.

<sup>37</sup> Camera dei Deputati, *Resoconto Stenografico No 353*, Rome, 11 March 2003.

<sup>38</sup> Interview with Elettra Deiena. My own translation.

<sup>39</sup> Interview with Marco Zacchera.

exchange views on the operation with colleagues from other national parliaments.

In summary, the Italian Government asked parliamentary approval for Operation Concordia once it had already committed itself to take part in the operation. Parliament approved a decision taken by the Government to participate in the operation without asking any substantial qualitative questions. Italian parliamentarians had formal powers to provide monitoring of the operation, but decided not to use them.

## **Operation Artemis**

On 5 June, the EU Council adopted a Joint Action on an EU military operation in the Democratic Republic of Congo (DRC): Operation Artemis. This was the first autonomous EU-led military operation conducted outside of its immediate neighbourhood. It was 'autonomous' in that it was undertaken without relying on NATO assets but, rather, made use of a 'Framework Nation' concept, agreed by the EU on 24 July 2002. This concept essentially allows a member state to put at the disposal of the European Council its command and control facilities necessary for the planning, launch and conduct of a military operation.

The decision was taken as a result of a deterioration of the ability of the United Nations to deal with the outbreak of fighting in the Congolese Ituri's regional capital of Bunia. Since 1998, the DRC has been riven by a war that involves nine African states (Rwanda, Uganda, Burundi, Angola, Chad, Namibia, Sudan and Zimbabwe), Congolese rebel movements and guerrilla groups outside the DRC. Added to this is a legacy of differential Western governments' support for actors in the conflict. In July 1999, with the signing of the Lusaka Agreements, a ceasefire and inter-Congolese dialogue were established under UN auspices. As a result, the DRC and Ugandan Governments signed an agreement in Luanda (Angola), in September 2002, whereby Ugandan troops would withdraw from Ituri province in the north-west of the country. Following their withdrawal, fighting resumed between the different armed factions in Ituri's regional capital, Bunia. Clashes between different militia groups resulted in a humanitarian crisis in early 2003, with people being displaced throughout the region and reports of widespread massacres. On 23 April, the United Nations Organisation Mission in DRC

(MONUC) began the deployment of 700 'blue berets' in Bunia. But the United Nations Secretary-General Kofi Annan perceived that the force was not sufficient and called for an Interim Emergency Multinational Force (IEMF) to stabilise the town of Bunia.

The French Government proposed that the EU take over the IEMF. On 19 May 2003, the body responsible for crisis management in the EU Council, the Political Security Committee, requested the Secretary General/High Representative to study the feasibility of an EU military operation. On 30 May, the UN Security Council (UNSC) adopted Resolution 1484, under Chapter VII of the UN Charter, authorising "the deployment of an Interim Emergency Multinational Force (IEMF) in Bunia in close coordination with MONUC". The IEMF and Artemis' aims were to contribute to the stabilisation of security conditions and the improvement of the humanitarian situation in Bunia. They were to protect the airport and the camps of internally displaced persons in Bunia and, if necessary, protect the civilian population as well as UN and other humanitarian personnel in the town. The deployment of the IEMF and Artemis was authorised until 1 September 2003 and contributing states were authorised to take all necessary measures to fulfil the mandate. In fact, during the operation, consisting of 1400 soldiers, a number of rebels were killed. This marked the baptism of the EU's military might in Africa. (Ulriksen et al. 2004).

### **British Parliament: Operation Artemis**

*Ex-ante accountability.* In both the Defence and Foreign Affairs committees there were no formal or informal discussions regarding Operation Artemis.<sup>40</sup> As Bruce George explained in an interview, the Committee was in agreement with the British Government with regard to the use of the Framework Nation concept, and therefore it did not see it appropriate to discuss this issue further given the other priorities that the Committee had set itself.<sup>41</sup>

As in the case of Operation Concordia, the Government approved the operation prior to the European Scrutiny Committee having received and given its clearance to the Joint Action. The Joint Action was approved on 5 June 2003; however, the Committee did not view and clear it until 25 June 2003. The European Minister, Mr Denis MacShane, sent a draft of the Council Decision to the Committee with an Explanatory Memorandum (EM)

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<sup>40</sup> Interviews with Kevan Jones and Gisela Stuart.

<sup>41</sup> Interview with Bruce George.

on the day the operation was approved by the European Council. In the letter he admitted that the Government decided to take part in the operation before clearance was given. However, he stressed he had already warned the committee on an earlier occasion, 5 February 2003, that this could happen. To justify the Government's decision, he called upon the Committee to approve the proposal on the grounds of urgent humanitarian needs.<sup>42</sup>

In response to previous MPs' questions on the procedures that should be followed for ESDP military operations, in his letter of explanation to the Committee, the Minister for Europe argued that the procedures had been stated in a letter that he sent to the Committee on 5 February. This involved providing a summary of the Council Secretariat Framework Paper, which is a classified document. As he explained, this paper provides the following: "it describes the approach the EU proposes to adopt in the management of the crisis in Bunia. It sets out to ensure "coherence and comprehensiveness" of the EU's actions, that is, that the actions complement each other in an orderly fashion and that they fully cover what needs to be done. Given that the situation on the ground requires immediate action, the paper groups together key elements of a Crisis Management Concept (CMC) and those of a Military Strategic Options paper, and will be used for the operation". The documents outline the background to the conflict, external involvement in it, the current situation in Bunia and Ituri, and regional attitudes to multinational intervention.<sup>43</sup>

The Committee stressed that they were satisfied with the information received and that they did not want to have access to sensitive information. They cleared the document but they requested further consultation with the Government about the modalities for obtaining access to information. As it stated, "We note the need for further discussion with the Foreign Commonwealth Office about how the difficulties over the timing of the provision of information to us should be dealt with".<sup>44</sup> Behind this statement is an ongoing debate about whether the European Committee has a right to access the legal advice that the Government is shown. The Government

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<sup>42</sup> European Scrutiny Committee (House of Commons), *27 Report: 12: EU military operation in the Democratic Republic of Congo*, 24578, London, 25 June 2003.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*, point 12.11.



seems to be reluctant to show this information to the Committee and the debate was still ongoing in November 2004.<sup>45</sup>

*Ex-post accountability.* As in the case of Operation Concordia, the European Scrutiny Committee viewed a number of documents related to the operation, including the issue of the status of forces, and asked for further information. On 18 June 2003, the Select Committee received a draft agreement on the status of EU forces (EU SOFA).<sup>46</sup> The Status-of-Forces Agreement is a legal document of considerable importance in that it sets out, among other things, arrangements for liabilities and claims, and immunities from legal processes in respect of acts undertaken by EU civilian and military staff during their duties. The issue that caused considerable disagreement among Member States at the time of drafting related to circumstances in which forces could be deployed on an EU operation that made use of NATO assets and capabilities. It was unclear whether NATO SOFA, EU SOFA procedures or other international agreements would apply. The UK Government's position was that any agreement under such circumstances should reflect the NATO SOFA. British MPs wanted to ensure that the EU SOFA would not become part of the EU's 'acquis' under the 'first pillar'. In fact, the Minister reassured MPs that, "implementing certain sections of the EU SOFA under the International Organisation Act 1968 would not give the EU any additional powers".<sup>47</sup> Indeed, the European Council agreed that the EU SOFA would be an intergovernmental agreement, rather than a measure under the EU treaty.

The Committee endorsed the Government's position, but did not want to clear the document before having obtained additional information about subsequent negotiations.<sup>48</sup> These documents reveal that Member States agreed to sending forces even before they had reached a consensus on the nature of the legal provisions that should rule the conduct of their soldiers.<sup>49</sup> In fact, the draft document (Part IV, Article 19) included a new paragraph stating: "the

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<sup>45</sup> Interview material.

<sup>46</sup> European Scrutiny Committee (House of Commons), *Agreement on status of EU forces - Draft Agreement among the Member States considered on 27 June 2003*, 24567, London, 18 June 2003.

<sup>47</sup> *Ibid*, point 9.9.

<sup>48</sup> The document was in fact cleared a few months later, on 2 July 2003. European Scrutiny Committee (House of Commons), *Agreement on status of EU forces - Draft Agreement among the Member States considered on 27 June 2003*, London, 2 July 2003.

<sup>49</sup> Indeed at the time of writing, March 2005, there is still an ongoing debate and no clear procedures. The French Parliament approved EUSOFA only in November 2004.

Agreement should apply *provisionally* on signature, pending the completion of constitutional procedures among Member States. This would in practice mean that the SOFA was in force between those Member States able to sign it, but not all Members at once”.<sup>50</sup>

*Other forms of scrutiny.* The Defence Committee did not hold any hearings about Operation Artemis. Bruce George explained that the Committee had the option and that they chose not to because he considered that the operations “did not amount to much”. In addition, the committee had other working priorities focused on events in Afghanistan, Iran, Iraq, Bosnia and Kosovo. The workload and the calendar also prevented additional issues to be added on to the agenda.<sup>51</sup> In the House of Commons, only one question was raised: Mr Wray, on 8 July 2003, asked the Government to explain how many troops had been deployed to DRC, their role and if the government could make a statement on the progress of the joint operation with other allied troops. On 28 April 2004, the Select Committee on Foreign Affairs, thanks to a set of questions posed to the Foreign Commonwealth Office (FCO), was able to discover that both Operation Artemis and Operation Concordia had been financed out of the Conflict Prevention Pools jointly managed by the FCO, Ministry of Defence (MoD) and Department for International Development, and that a total of three million were transferred to the MOD for the two operations.<sup>52</sup>

### **French Parliament: Operation Artemis**

*Ex-ante accountability.* France played a leading role in the operation by acting as a Framework Nation. It sent approximately 1,000 men out of the 1,400 sent and established a multinational main headquarters in Paris. It relied on its own intelligence resources and a French General commanded all forces deployed.

The national assembly was only formally informed about the operation on 4 June 2003 after MP Jacques Godfrain asked a question of the Minister of Defence, Michèle Alliot-Marie. There was no debate in Parliament and the issue was not formally discussed in the Defence and Foreign Affairs committees. Given the legal practices that have to be followed for EU

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<sup>50</sup> *Ibid*, my own italics.

<sup>51</sup> Interview with Bruce George.

<sup>52</sup> Select Committee on Foreign Affairs (House of Commons), *Written evidence*, London, 28 April 2004.

decisions, the Delegation for the European Union was again the key committee in the French Parliament, with the legal right of consultation in the decision-making process. As in the case of Concordia, the French Government asked the Delegation to use the emergency examination procedure. The President of the Delegation of the European Union, MP Pierre Lequiller, lifted the parliamentary scrutiny reserve on the operation using a verbal urgency procedure on 4 June 2003. The Delegation was then informed of this matter on 11 June 2003 but no document was submitted.<sup>53</sup> In other words, the Delegation did not have the opportunity to discuss any aspects of the joint action. In fact, MP Jérôme Lambert complained that there was an excessive use of the emergency examination procedure in ESDP and that it was the duty of the Delegation to be more vigilant.<sup>54</sup>

*Ex-post accountability.* The Delegation for the European Union discussed Operation Artemis in relation to broader European defence issues during an interview with Michèle Alliot-Marie, the Defence Minister, in December 2003.<sup>55</sup> On that occasion, the President, Pierre Lequiller, expressed support for the measures introduced by the Government to develop European defence, as did other MPs. An analysis of discussions on European defence topics held by the Defence, Foreign Affairs and the Delegation for the European Union committees during the second half of 2003 shows that MPs' main focus of concern was the potential of a 'hard core', or structured cooperation, in European Defence. No enquiries or specific studies were undertaken by the Foreign Affairs and Defence Committee on the lessons learnt by Operation Artemis.

In summary, the French Parliament was informed about Operation Artemis one day before the European Council agreed to the operation because one MP put a question to the Minister for Defence. The French Government chose to use the emergency examination procedures for informing the EU Delegation for the European Union. This meant that the Delegation as a whole did not view or discuss legal documents related to the operation prior to its approval. Ex-post accountability was not exercised, in that MPs did not probe the Government with specific questions or demands

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<sup>53</sup> Assemblée nationale, *Rapport d'information*, 1011. pp. 147, Paris, 9 July 2003; Délégation pour l'Union Européenne, *Compte Rendu No. 48*, Paris, 11 June 2003.

<sup>54</sup> Délégation pour l'Union Européenne, 9 July 2003, *op.cit.*

<sup>55</sup> Délégation pour l'Union Européenne, *Compte Rendu No. 67*, Paris, 9 December 2003.

for a study or discussion about the lessons learnt from the operation and its impact on developments in the DRC.

### **Italian Parliament: Operation Artemis**

*Ex-ante accountability.* The Italian Government agreed to Operation Artemis and took part in the operation by sending one military observer. It did not convert the decision into a law decree and the issue was not put on the agenda of Parliament for discussion.<sup>56</sup> As the Italian Vice President of the Defence Committee, Mr Roberto Lavagnini, explained, “We were not involved in this decision because we have sent only one person. Hence, our participation has been purely symbolic”. MPs interviewed confirmed that they had not been informed about this operation and that no discussions took place in their committees or on the floor of the house concerning the Framework Nation concept and its significance for future EU-led external military operations. As MP Dario Rivolta, Vice President of the Foreign Affairs Committee, stated: “The details of operations escape us because the Government acts independently from Parliament”.

*Ex-post accountability.* Parliament and its specialised committee did not discuss any aspect of the operation during or after its conclusion.<sup>57</sup> As in the case of Operation Concordia, those Italian MPs who held a role in the WEU Assembly were better informed on aspects of the operation and had the opportunity to debate its significance in WEU committees and in biannual plenary sessions.

## **Discussion and Conclusion**

The results of this investigation demonstrate that national parliaments are either constitutionally and procedurally unable or politically unwilling to exercise supervision over EU-led military engagements in the ex-ante accountability phase. In both cases studied, the British and Italian parliaments did not view or have a say on the final drafts of the documents discussed in the European Council that approved Operation Concordia. The Italian

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<sup>56</sup> Interview with Roberto Lavagnini.

<sup>57</sup> Interviews and analysis of documents.

Parliament, despite a formal legal right of involvement in decisions to launch military operations abroad, approved *Concordia a posteriori*. In the case of Operation Artemis, the Italian Parliament was not formally consulted. In the British case, the Government bypassed the European Scrutiny committees' supervisory processes over both operations by using the arguments of the need for an urgent decision to be taken. In the case of France, the President of the Delegation for the European Union was the only parliamentarian who had a formal engagement in the decision-making process because the emergency examination procedure was used to approve both military operations.

In the ex-ante accountability phase, as in the ex-post accountability phase, the British Parliament asked some qualitative questions. In contrast, French and Italian parliamentarians asked hardly any questions. In all three parliaments no studies or debates about the impact of the operations on political and security developments in the FYROM and the DRC took place. These findings provide support to the thesis of a democratic deficit in European security.

One can cast doubt on the extent to which parliaments should have access to information about planning and operational issues, but parliaments as a whole should be able to give their formal approval to military operations prior to their launch. There should also be public discussions on the significance of military operations for the countries in which the military forces are engaged.

Some could argue that the proposition that the Italian Parliament did not exercise scrutiny in the case of Artemis is questionable since the country's involvement was minimal. However, France, as a Framework Nation, did conduct a military operation on behalf of the EU. The legitimacy conferred by a single EU member state to the EU's activities requires an involvement by each national parliament. What is at stake in such an operation is not purely the legitimacy of French troops but of the European Union as a whole. Moreover, in the case of Italy, some experts believe that the practice of not involving Parliament on the basis that the number of Italian troops sent is modest could be seen as a challenge to the legal norms in external security deployments. (Dickmann 2001: 62-63)

What can we learn from this comparative analysis? The findings challenge some of the assumptions in the current comparative literature about the 'strength' of the Italian Parliament in foreign, security and defence policies

vis-à-vis the British. The classification of the French Parliament as ‘weak’ can be considered as correct. The French Parliament could have perhaps played a stronger role if the Delegation for the European Union as a whole had been given the opportunity to fully debate the two operations and view documents.

How is one to explain this differential performance of the three parliaments? To what extent do other factors (constitutional, executive-legislature, tradition over the use of force, political culture and procedural) outlined in the existing literature provide any insight?

### **Constitutional powers**

Constitutional factors continue to play a very significant role, especially in the cases of the British and French parliaments. Even if the European Scrutiny Committee had decided not to approve one or both operations by using its scrutiny reserve, the Government would still have been in control of the decision-making process in that ministers can bypass the Committee if they consider that a proposal is confidential or for other ‘special reasons’. In the French case, the executive powers enshrined in the constitution on deployment of forces abroad can partly explain the lack of adequate supervision. French parliamentarians chose not to ask questions because they cannot affect the decision-making process in the ex-ante accountability stage.

In the Italian case, constitutional factors are less important. Although the Government chose a specific course of action for the two operations and introduced practices and constitutional conventions by widely interpreting Articles 11, 78 and 80 of the constitution (Lippolis 2001: 563-568), Italian MPs still have substantial legal instruments at their disposal to hold the Government to account. They can, in fact, call for resolutions and ask for additional information to be made available in private meetings.

### **Executive-legislature relationship**

In studies of the executive-legislature relationship, there is the assumption that, in a political system in which the government has a solid majority (such as Britain’s Westminster), the role of parliament in foreign affairs is reduced, whereas in countries where there is a tendency to form unstable coalitions, such as in Italy, the control of foreign policy is more incisive. In such countries, the parliament, outside its constitutional and procedural powers, can be the place of real decisional power, in that the opposition has a right to manoeuvre. This assumption is not fully supported by the findings. This

might be explained by the political cultural factor elaborated below, and by the fact that there has been an emerging consensus among Italian political parties with regard to the need to support 'peace support operations' in which there is some form of UN involvement. As Lippolis (2001:551) argues, with the end of the Cold War, the divergent views in foreign, security and defence policies between Italian parties have disappeared.

### **Tradition over the use of external military force**

It is often assumed that, if a country had a historical tradition of empire or unrestrained use of unilateral force in the post-war period, parliament will be less likely to use its power to exercise full supervision, because there will be a culture of acceptance of external military action. From this perspective, the French and British parliaments would have performed less well than the Italian. The findings are inconclusive because additional research would have been required to compare parliaments' performance against different types of operations over a decade or more.

Tradition over the use of force can shape collective consciousness over a long period of time but it can also be quickly disrupted by significant world developments, such as the end of the Cold War and the unilateral British-American decision to declare war on Iraq. The contemporary transformation of the relationship between civil-society and political parties also means that unpredictable factors come into play in shaping reactions to specific external security developments. In the British case, the Iraq war did awaken public debate. Parliament was forced to be more sensitive toward issues of external military engagements.

### **Political culture: attitudes to the EU**

Attitudes to the EU can go far in explaining the differential performance of the three parliaments. French and Italian MPs seemed to have been less willing to question the government on ESDP military operations because of their strong support for European defence, which cut across all political parties and is reflected in the high level of public support. French and Italian MPs had no electoral gains in asking questions. In contrast, in the case of Britain, the inter-party split on Europe, along with the impact of the row over misuse of information during the British Government's decision to go to war against Iraq, allowed the emergence of a consensus among Labour and

Conservative MPs in the European Scrutiny Committee on the importance of questioning the Executive.

### **Procedural issues**

The findings highlight procedural issues related to the powers of the committees involved in overseeing EU legislation. In the case of France and Britain, the committees responsible for European Affairs are at present the only place in which ex-ante accountability can be exercised within the context of formal rights of access to information.

In conclusion, the weaknesses of parliamentary supervisory processes over EU-led external military operations found in this research demonstrate the need to strengthen a political culture of parliamentary debates and questioning.

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## CHAPTER 4

# **Debating Turkey's accession: National and ideological cleavages in the European Parliament**

Eduard Soler i Lecha

### **Introduction**

Assessing the role of EU institutions in the enlargement process towards Eastern Europe, Karen Smith (1999: 169) affirmed that the European Parliament (EP) was more a follower than an initiator in the policy-making process. This is not exactly true for the Turkish case. Even when the Council and the Commission have played a more decisive role than the EP regarding EU-Turkish relations, compared to other enlargement rounds the EP has been particularly active. Gamze Avci (2002: 99) noted that “Turkey appears to be a ‘comfortable’ tool in the EP’s search for a legitimate role in foreign policy, enlargement as well as human rights”. This was the case in 2004.

On December 13, the European Parliament held a very heated debate regarding the Eurlings Report, that is, the report that would recommend --or not-- the opening of negotiations with Turkey. Despite the fact that the report’s conclusion was not binding, the EP attracted the EU’s and Turkey’s attention for several reasons. First, because EU-Turkish relations appeared to be the most important topic, together with the Constitutional Treaty, on the EU agenda in 2004 and triggered heated debates in several EU countries.

Second, because the debate and the voting session took place only a few days before the beginning of the European Council that was to decide on the opening of accession negotiations with Turkey. And, third, because the voting was secret, an unusual practice that was harshly criticised by some parliamentarians who held posters in different languages showing the

orientation of their vote. In the end, the favourable votes (407) largely surpassed the negative (262) and the abstention (29) ones. This ended being a strong signal that the Council could not ignore. Hence, it was one more episode in the increasing role of the EP in the EU's decision-making process.

This chapter attempts to analyse with further detail such an important event, focusing, firstly, on whether the voting within the EP expressed different national and ideological cleavages. Second, this article tries to find out to what extent is there a link between those cleavages and the existence of differentiated interests, identities and ethical considerations.

Because the vote was secret, not only for the full report but for some critical amendments as well,<sup>1</sup> it is much more complicated to trace the voting patterns. However, the analysis of selected public and nominal amendments together with the list of those who asked for the secret vote is an alternate way to figure out who was in favour and who was against. Beyond the analysis of such documents, field research was carried out in January 2005, mainly in Brussels. Aiming to respect the privacy of some of the interviewees, the name of the opinion giver is not specified. However, a detailed list of the interviewed actors is provided at the end of this chapter.

This chapter begins with some preliminary considerations on what has been the role of the EP in EU-Turkish relations until now. Then it assesses if the 2004 discussion on the Eurlings Report has represented a turning point for the role of the EP and what has been its impact on the Council decision of December 17. Likewise, it analyses to what extent the EP may influence the negotiation process due to start on October 2005.

## **The EP's Role in EU-Turkish Relations**

The European Parliament has been seen more as a handicap than a facilitator of Turkey's integration in the EU (Dodd 2002). It has traditionally been very critical of the human rights' situation in Turkey and also has been very outspoken on issues such as the Kurdish problem and the Armenian demands. The latter have not been as present in the Council's or the

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<sup>1</sup> For example, the eighth amendment (offering a special partnership, proposed by Toubon, Sudre, Nassauer, Ferber and others) and the seventeenth one (rejecting Turkish accession, proposed by Werner Langen and others).

Commission's decisions. For instance, in 1987 the European Parliament stated in a resolution that

[T]he refusal by the present Turkish Government to acknowledge the genocide against the Armenian people committed by the Young Turk government, its reluctance to apply the principles of international law to its differences of opinion with Greece, the maintenance of Turkish occupation forces in Cyprus and the denial of existence of the Kurdish question, together with the lack of true parliamentary democracy and the failure to respect individual and collective freedoms, in particular freedom of religion, in that country are insurmountable obstacles to consideration of the possibility of Turkey's accession to the Community.<sup>2</sup>

Some years later, in 1994, the European Parliament suspended for two years the EU-Turkey Joint Parliamentary Committee as a protest against the way the Turkish government was dealing with the Kurdish issue (Arikan 2002: 27). In December 1995 the European Parliament finally consented on establishing a Customs Union Agreement (CUA) with Turkey. This was not an easy decision because an important number of MEPs, particularly from the left wing, raised their protests due to the human rights violations, the democratic deficit, and the conflict with the Kurds, as well as the role of the military, and the lack of the rule of law.<sup>3</sup> However, the pressure exercised by some governments on their MEPs, the support of the Christian-Democrats for this Agreement and Tansu Çiller's speech affirming that this agreement could hamper the electoral victory of Erbakan's Islamists ended up gaining the approval of the EP for the CUA.

The Parliament's approach towards human rights in Turkey has been harshly criticised by some Turkish observers. Gunduz Aktan (1999) argued, for instance, that the EP had focussed exclusively on the Kurdish issue. More moderately, Çiğdem Nas (1998) pointed out that "the EP's observance and advocacy of the furtherance of democracy, the rule of law, human and minority rights in the EU's external relations is a policy choice which is hard to negate. However, the choice of instruments and the language and style used to convey the EP's point of view is not constructive and may lead to resentment in the target countries."

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<sup>2</sup> European Parliament, *Resolution on a political solution to the Armenian question*, A2-33/8, 18 June 1987.

<sup>3</sup> For further information see Krauss (2000).

The European Parliament has been the most critical among all European actors regarding Turkey's accession during the last few years. The Morillon, Lamassoure and Oostlander Reports, as well as the recent Eurlings Report, have raised a high level of criticism but have also recognised the extent of the progresses made by the successive Turkish governments, particularly since the reforms introduced in August 2002, and, even more so, under the AKP government since the November 2002 elections.

As stated before, the EP's vote on the Eurlings Report, that is its recommendation to open negotiations without delay but also without changing or reducing EU standards regarding the political criteria, was not binding for the European Council. However, the EP's assent will be necessary at the end of the negotiation process when, together with the Parliaments of all EU Member States, it will have to ratify Turkey's accession treaty. Erkan Erdoğan (2002: 43) said that "given its position on Turkey's human rights record, the Parliament's ratification couldn't be taken for granted".

Moreover, along the process, the EP has other means of influence. It exercises an important role when controlling the EU's budget and the different financial packages of accession, pre-accession and others.<sup>4</sup> The EP's declarations, reports and other documents may also have an indirect impact on the Council or Commission decisions. This is particularly true as the Joint Parliamentary Committees supervise the rhythm of the accession negotiations or the performance of the association agreement itself and can even call for its suspension.<sup>5</sup>

When the EP has acted in foreign affairs and enlargement issues it has mainly adopted the role of the EU's "democratic conscience" and, more specifically, it has put a particular emphasis on minority rights. This is even more evident in the case of EU-Turkish relations. However, along the fifth term (1999-2004) a new phenomenon arose: the opposition to Turkish membership was not sufficiently founded on democratic or human rights concerns; rather, it had to do with cultural and religious incompatibilities. Thus, once the beginning of negotiations became a feasible scenario, an important minority within the EP, coming mainly from Christian-Democrats

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<sup>4</sup> Regarding Turkey, the EP vetoed the remittance of funds to that country several times in 1987, 1988 or 1996 (Erdoğan 2002, 44). MEDA funds were not delivered either between 1999 and 2001.

<sup>5</sup> This was the case, for instance, in April 2002, when the European Parliament backed a resolution urging the suspension of the EU-Israel Association Agreement.

parties and from the far-right groups, unsuccessfully attempted to slow down Turkey's accession. This was the case, for instance, of Markus Feber's amendment to Elmar Brok's 2002 report on enlargement, asking for the elimination of any reference to Turkish accession while proposing the establishment of a special partnership. This amendment was rejected by a substantial majority of 376 votes, against 156.<sup>6</sup>

While the opponents to Turkish membership have not disguised their identity concerns, they have also started to support their argument with a discourse based on the persistence of a democratic deficit in Turkey in order to legitimise their opposition. This explains why some sectors of the EPP and other right-wing parties have stressed human rights and cultural minorities issues when discussing Turkey's EU accession, as the voting patterns of several amendments concerning Armenian and Kurdish claims reveal.

Quite the opposite, the Socialists and the Greens, who traditionally have denounced the violation of human rights in Turkey, have tended to accept that this country has sufficiently fulfilled the Copenhagen political criteria. One of the best examples of this attitude is that of the former French Minister for European Affairs and current socialist MEP, Pierre Moscovici (2004: 65), who wrote that in 1995 he voted against the Customs Union since it was contradictory with his democratic conception, while, little by little, he has become an advocate of Turkey's EU membership.

### **The Eurlings Report: a critical support to starting negotiations**

Before analysing who voted what or, more precisely, who might have voted what, it is important to provide some brief information on the Eurlings Report: what is the profile of the *rapporteur*, what was the evolution of the report, which are the main lines of the final report adopted in Strasbourg and what kind of debate took place in the days previous to the voting session.

Camiel Eurlings is a young Dutch MEP of the *Christen Democratisch Appèl*, integrated into the EPP, who was elected for the first time to the EP in 2004. He is said to be a rising star among Dutch Christian Democrats, with possibilities of reintegrating himself to domestic politics in the near future. Eurlings has assumed important responsibilities, particularly taking into

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<sup>6</sup> *Bulletin Quotidien Europe*, n° 8344, 21 November 2002, p. 3.

account that 2004 was his first year in the EP. He is the chairman of the EU-Russia delegation and a member of the very disputed Foreign Affairs Committee. He personally asked to be the rapporteur on Turkey's progress. The other political groups accepted the EPP's willingness to be in charge of this report, since it could be a positive element to facilitate its approval. It has to be noted that the previous report on Turkey's progress was attributed to Arie M. Oostlander, himself a member of the same Dutch party as Eurlings, who successfully obtained a similar and large majority for his report.<sup>7</sup>

Eurlings presented a first draft of his report on October 21, 2004. Later on, nearly five hundred amendments were presented and a second version was adopted by the AFET Committee on December 3, by 50 votes against 18. There was a significant evolution from the first to the second version of the report. Several socialist, liberal and green amendments were included as well as a penultimate article which explicitly urged the European Council to open negotiations without delay. The former version was quite ambiguous on this respect. There were two other significant differences between both reports. As for the tone, the second one was much more dulcified; regarding the content, the second version included further references to Turkey's foreseeable contributions to the European construction, particularly from a strategic and long-term perspective. Regardless of this evolution there was a clear constant between both texts: the fact that there have been significant progresses on the Copenhagen political criteria, but that much more remains to be done.

Despite the fact that Borrell himself would have preferred to hold the debate at an earlier date, it was not until December 13 that the report was discussed in the EP's plenary session.<sup>8</sup> This was a tense and critical moment, since the European Council had to decide only four days later on the eventual start of accession negotiations. That is why both the debate of December 13 and the voting of nearly ninety new amendments and the full report of December 15 were passionate and gave way to polemic statements,

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<sup>7</sup> It is said that, due to the good relationship between Eurlings and Oostlander, the latter may have had some influence in the writing process of the report.

<sup>8</sup> According to *EUobserver*, Borrell, speaking to journalists during a meeting of EU heads of State and Government, announced his decision to hold a vote and travel to Turkey to deliver the verdict, whatever way it went (*EUobserver*, 4 November 2004). However, due to the Buttiglione crisis, all parliamentary activities suffered unexpected delays.

particularly among some Polish MEPs.<sup>9</sup> The content and terms of this debate are not, however, the main focus of this analysis. Nevertheless, the climate in which the voting took place may have influenced some decisions.

## Who and why

Several works have been based on whether the MEPs' vote corresponds with their political affiliation or nationality.<sup>10</sup> Donatella Viola (2000) studied these voting patterns for foreign policy issues. It is important to know to what extent ideology or nationality were determinant factors in the voting results of the Eurlings Report, even if such an analysis is not an easy task, due to the authorisation of the secret vote. However, the very list of the petitioners for the secret vote will throw some light on that query.

As mentioned before, the President of the European Parliament, Josep Borrell, authorised the secret vote on the Eurlings Report and on two of its amendments. Borrell received a petition signed by 166 MEPs for the full report and by 175 and 173 MEPs for the eighth and seventeenth amendments, respectively. Due to the exceptionality of this demand, Borrell asked for the advice of the EP's juridical service and it found some precedents of authorised secret voting procedures. Taking into consideration those precedents, and in order not to appear as too favourable to Turkey's membership, he authorised the secret vote. This triggered a harsh debate before proceeding to the vote. The President of the EPP, Hans-Gert Pöttering, was severely criticised by the other presidents of the main political groups, in spite of not having signed this demand himself. However, as the next graph shows, most of the signatories belong to the EPP (133 of them), and were supported only by a few deputies from right wing or far right parties.<sup>11</sup> This fact confirms the existence of a correlation between political group membership and the secret vote demand.

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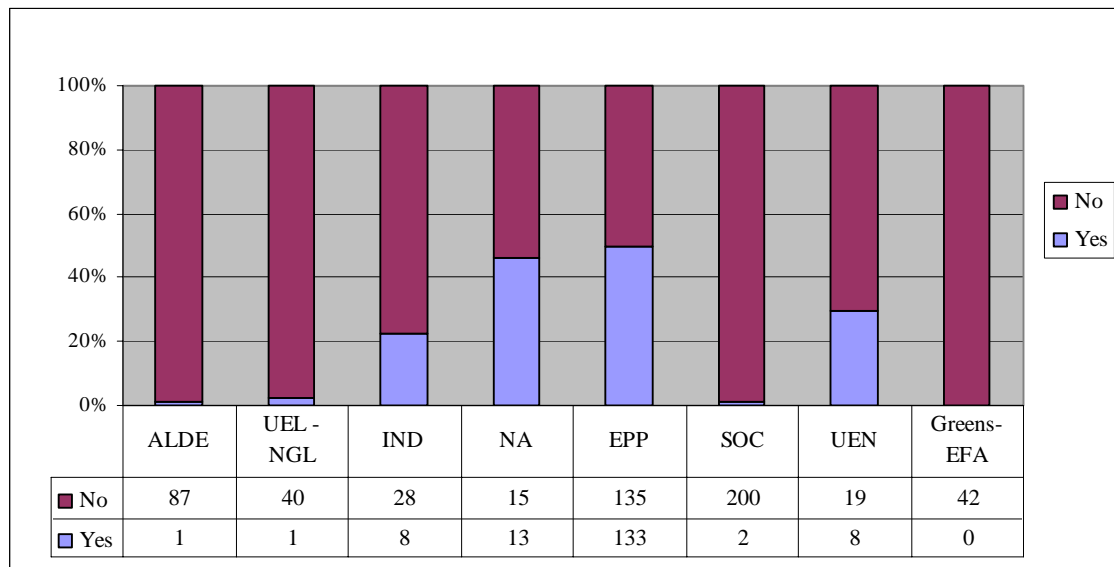
<sup>9</sup> As an example, the Polish far-right MEP, J. T. Masiel, stated that: "the question has been phrased incorrectly. It is not a matter of whether Turkey does or does not already meet the EU's requirements. It is a matter of whether we want a Muslim Turkey in a Europe that was built on Christian values."

<sup>10</sup> See, for instance, the Working Papers collection of the European Parliament Research Group at the London School of Economics <<http://www.lse.ac.uk/collections/EPRG/>>.

<sup>11</sup> As well as by two other MEPs, one from the former communist PDS, André Brie, and another one from the FPD, Alexander Lambsdorff.



**Figure 4.1.** Secret vote demand (full report), by political groups<sup>12</sup>:



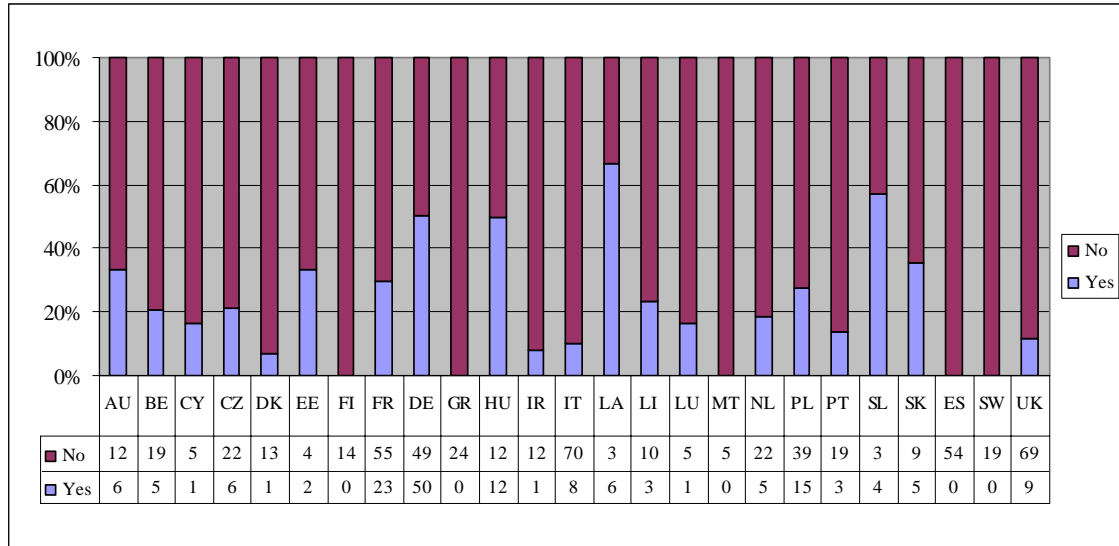
Source: Elaborated by the author from EP documents.

Besides the ideological factor, there is also a correlation between nationality and the demand for the secret vote. As the next graph shows, there were no Spanish, Maltese, Finnish or Swedish MEPs in the list, while, for all other nationalities, their MEPs were more or less divided according to ideological lines. This fact gives a first insight about the profile of the opponents to the Eurlings Report. Taking into account that nearly everyone asking for the secret vote was also going to oppose the report, it can be asserted that German, French, Austrian and most of the Eastern European EPP members may have voted against it. Some Italian, British and Portuguese EPP deputies probably did the same, against their party's line. In fact, several different versions have circulated about who started the campaign for the secret vote. The most plausible one is that some French and German EPP deputies learned that some of their Greek, British and Italian colleagues were suffering pressures from their party directions to have them vote in favour of the report even if they were personally against it. This is why they launched the signature campaign to request the secret vote, hoping that it would help

<sup>12</sup> The acronyms used in this paper for EP Groups are the following **ALDE**: (Group of the Alliance of Liberals and Democrats for Europe); **UEL-NGL**: (Confederal Group of the European United Left - Nordic Green Left); **IND**: (Independence/Democracy Group); **NA**: (Non-attached); **EPP**: (Group of the European People's Party (Christian Democrats) and European Democrats); **Soc.:** (Socialist Group in the European Parliament); **UEN**: (Union for Europe of the Nations Group); **Greens-EFA**: (Group of the Greens-European Free-Alliance)

persuade other EPP deputies, but also other undecided MEPs from the Socialists, the United Left Group and the Liberals to vote against the report.

**Figure 4.2.** Secret vote demand (full report), by nationality



Source: Elaborated by the author from EP documents.

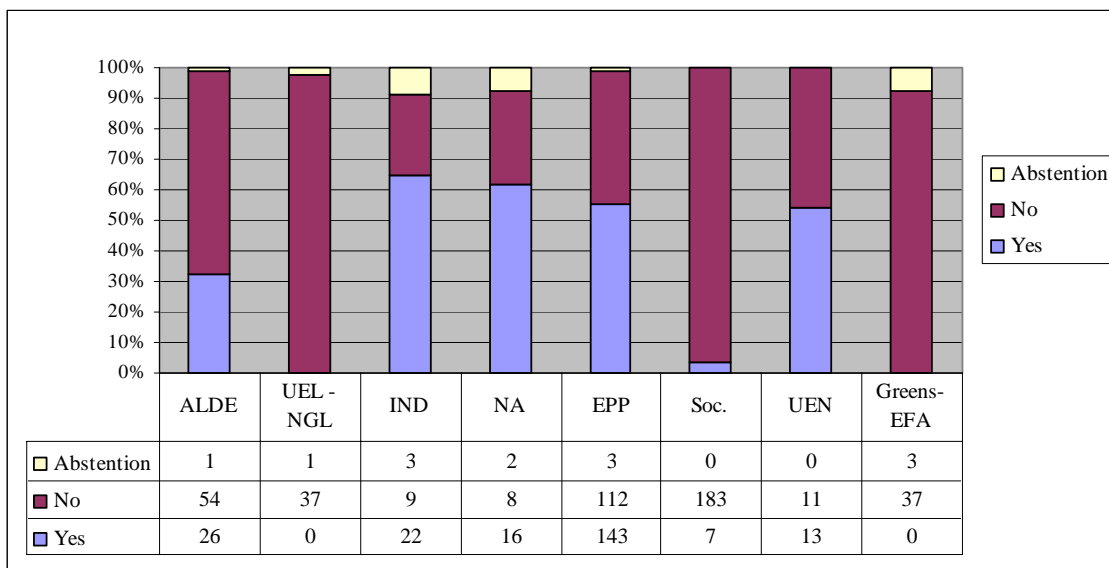
Nevertheless, once the results of the vote were made public, several observers said that the secret vote initiative could have had perverse effects. The controversy that the demand for the secret vote triggered is said to have convinced some of the reluctant MEPs to vote in favour of the report. Furthermore, the image of a significant number of MEPs holding posters announcing the direction of their vote (nearly all in favour) ended up being a powerful political message for both the European Council and Turkish public opinion. The EP, who has been seen as the most reluctant EU institution as far as the deepening of relations with Turkey is concerned, stood then as a firm supporter of starting negotiations with this country.

While the analysis of the secret vote list helps to draw a first profile of the opponents to the Eurlings Report, it does not provide a complete picture. Only 166 MEPs signed this demand, and 262 voted against it in the end. That is why it is necessary to look elsewhere in order to fill this information gap. If nominal amendments are considered (those where the voters' names are public), it can be seen that amendment 65, due to its content, may have been backed by the same MEPs who voted against the full report. This amendment, proposed by Toubon (UMP), Posselt (CSU) and Tannock (British Conservative), reminds that the negotiation process has risks and asks to take in consideration the existence of other ways to integrate Turkey in the

European structure, such as through a “special status”. This amendment, which is close to Giscard d’Estaing, Angela Merkel and Nicolas Sarkozy’s proposal of “privileged partnership”, was rejected by 451 votes against 227. Only 25 votes separate these 227 negative votes from the 262 that were cast against the whole report.

As was the case for the secret vote signature campaign, the next graph shows that there is a clear ideological cleavage between those who backed the amendment and those who rejected it. Thus, nearly all the United European Left, Green and Socialist Group MEPs stood against the 65<sup>th</sup> amendment. On the contrary, a significant minority of the Liberals, as well as more than half of the EPP and most of the right or far right MEPs were in favour of the “special status amendment”. This confirms the importance of the ideological factor in the EU-Turkish relations debate.

**Figure 4.3.** Amendment 65: “special status”  
(Posselt, Toubon, Tannock *et al.*) by political groups

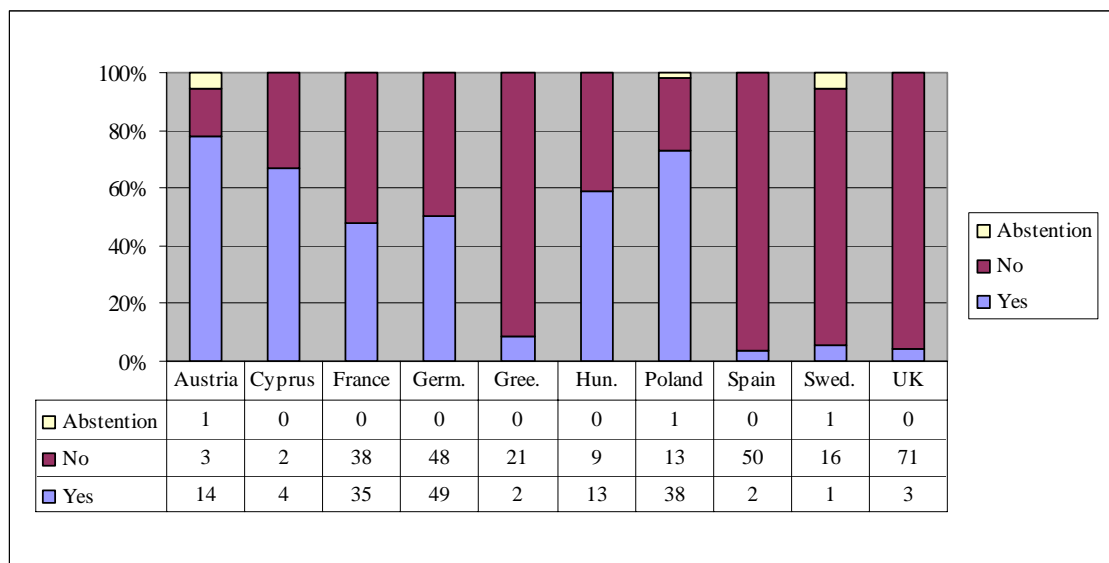


Source: Elaborated by the author from EP documents.

In spite of the importance of the ideological correlation, this is not the only determinant factor for the final vote. As discussed for both the secret vote and the 65<sup>th</sup> amendment, some political groups, among them the EPP and the ALDE, were divided. This division can be explained mainly by different national voting patterns, as evidenced in the next graph. For instance, nearly all Austrian MEPs supported the amendment, meaning that the Austrian Socialist Party MEPs behaved differently vis-à-vis their other

socialist colleagues and followed a national sensitivity. The same happened with the Greek, Spanish, Swedish and most of the British MEPs that voted against the amendment, regardless of ideological cleavages. On the other hand, the division among Cypriot, Polish, Hungarian, French or German MEPs is consistent with their party membership.

**Figure 4.4.** Amendment 65: “special status”  
(Posselt, Toubon, Tannock *et al.*) by nationality



Source: Elaborated by the author from EP documents.

While this was the general behaviour, it is important to highlight that there were several MEPs who did not follow these trends. Turkey's membership has become one of the most polemic issues at the EU level and even within member states. Testimonies obtained while performing field research reveal that this debate was qualified as emotional and even visceral. For several MEPs, their vote for or against the Eurlings Report was difficult to accommodate within the line established by their political party. This was the case, in France, of Ari Vatanen, a Finn elected in the UMP lists, who is the only one supporting Chirac's position against its own political party's view. In Austria, Hanes Swoboda was the only socialist voting against the 65<sup>th</sup> amendment.<sup>13</sup> In Poland the Liberal Party, *Unia Wolnosci*, was divided

<sup>13</sup> Swoboda has been in charge of the Turkish dossier for a long time.

regarding this issue: while Geremek and Kulakowsky voted against it, Onyszkiewicz and Staniszewska opted for the “special status” formula.<sup>14</sup>

It would be inexact and unverifiable to affirm that all of the 227 MEPs that backed the 65<sup>th</sup> amendment also voted against the whole report. However, taking into account the message of the amendment, it would be feasible for an overwhelming number of them. Who are the other 25? Some of those that signed the secret vote demand do not appear in the list of those that voted for the 65<sup>th</sup> amendment. This is the case, mainly, of several British, Italian and Greek conservative MEPs. Some leftist MEPs who did not vote for the 65<sup>th</sup> amendment may have also rejected the Eurlings Report, although their motivations may have been different to those of their EPP colleagues. This was the case, for instance, of some Greek Communists who opposed the very idea of the European Union and, consequently, its enlargement.<sup>15</sup>

Hence, crossing the results of the secret vote and those of the 65<sup>th</sup> amendment, and complementing such information with the reading of the debate on the Eurlings Report and also with some information obtained during field research, the methodological problem posed by the secret vote has been overcome and it is possible to identify who may have voted what regarding Turkish membership. In the next section, the same procedure is followed for the Kurdish and the Armenian issues.

## **The Kurdish and the Armenian issues**

The EP has been particularly sensitive to human rights, democratization, cultural rights and minority issues when dealing with EU-Turkish relations. The centre-left and left wing groups have traditionally been the most sensitive and outspoken regarding these issues. However, the 2004 debate was not ordinary and, as stated before, the opponents of Turkish membership did not hesitate to use these aspects to legitimize their position against Turkish membership. This is why this chapter pays particular attention to the Kurdish

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<sup>14</sup> It must be recalled that Geremek participated in the “Independent Commission for Turkey” under Ahtisaari’s direction.

<sup>15</sup> The MEP Pafilis stated during the discussion on the Eurlings Report that “The Communist Party of Greece opposes the European Union and its enlargement and, in this sense, we do not agree with the accession of Turkey, not for ethnic, chauvinist or cultural reasons, but on the same political grounds on which we also disagreed with Greece’s accession to and its remaining in the European Union.”

and the Armenian issues. Several amendments were proposed regarding both cases. Two of them have been selected to analyse if ideological and national cleavages played a role.

Regarding the Kurdish issue, the EP has maintained a very firm stance towards their situation in South Eastern Anatolia and towards Kurdish cultural rights. The episode of the suspension of the Joint Parliamentary Committee was an emblematic sign of protest in 1994, but several resolutions and symbolic acts such as the concession of the Sakharov price to Leyla Zana in 1995 have abounded in the EP's record since then. This has not prevented the EP from recognising the noticeable advances achieved in recent years, of which the most important one are the August 2002 reforms, by which education and broadcasts in the Kurdish dialects were authorised, even if some deficits subsist in their implementation.<sup>16</sup> As Çigdam Nas (1998) has pointed out, analyzing EP resolutions since 1991 it is easy to see that the EP has not agreed on a systematic terminology: "in the resolutions adopted on 14 March 1991, 18 April 1991, and 12 June 1992, the EP refers to the rights of the 'Kurdish people' in Iraq, Iran and Turkey. In the resolutions adopted afterwards, the following terms are used interchangeably: Kurdish minority, Kurds in Turkey, Kurdish parliamentarians, and Turkish parliamentarians of Kurdish origin." Regardless of these taxonomic concerns that, however, have deep political consequences, it must be said that the Eurlings Report maintains and even reinforces the EP's demands on the Kurdish issue. Some of its points appeared already in its first draft, while others were incorporated through amendments drafted in the Foreign Affairs Committee or in the plenary. Furthermore, most of the issues raised in this report already appeared in the last Oostlander Report. This is the case, for instance, of the EP's worries regarding the eventual disappearance of the pro-Kurdish political party (DEHAP).

Not all political parties have traditionally been equally concerned by the Kurdish issue. Both the Greens and the Communists have been the most outspoken in this regard as well as some socialists. If the results of the 70<sup>th</sup> amendment, presented by the Greens-ALE group, are analysed, it is obvious that this dynamic remains. This amendment urged to consider that the Kurdish people represent an important component of Turkish society and that, consequently, their rights have to be respected. It was approved thanks

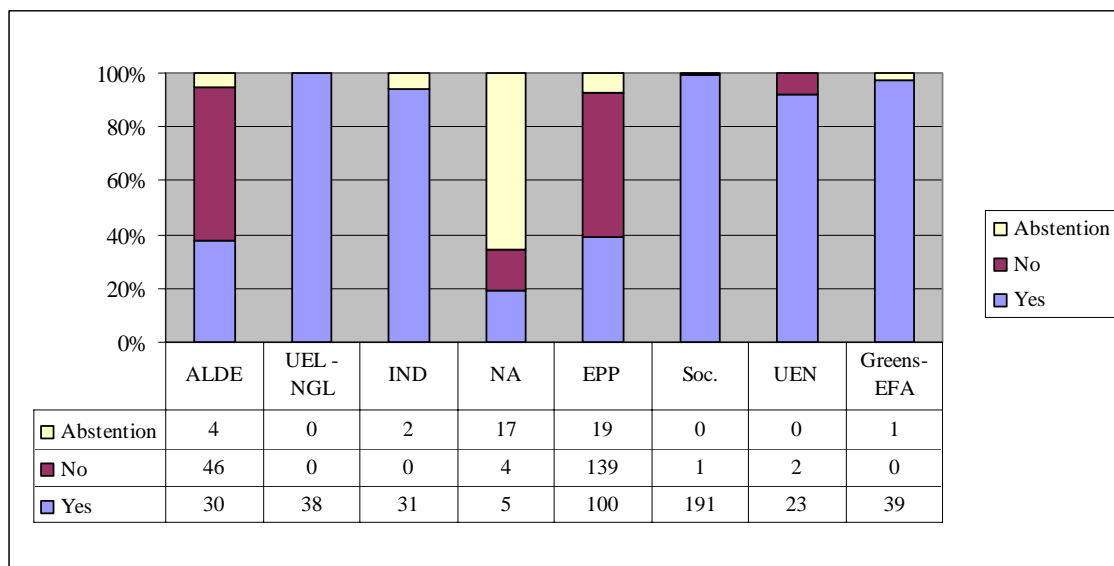
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<sup>16</sup> In 2004, the visit and speech of Leyla Zana, the 14 October 2004, in front of the EP confirmed the EP's attachment to the Kurdish claims.

to 457 favourable votes. The following graph shows that the traditional proximity of the left regarding the Kurdish issue remains. Curiously, only the former President of the European Parliament and German socialist MEP, Klaus Hänsch, voted against this amendment.

On the contrary, most of the right and far right MEPs also voted for the amendment or abstained. This was not due to a special sympathy for the Kurdish claims but to some sort of “Turkophobia,” which makes them vote in favour of anything and everything that criticises Turkey. However, those that opposed to the amendment were members of the EPP (139) or the ALDE (46) groups, confirming that, compared with the leftist parties, conservatives and liberals are much less sensitive to Kurdish claims. There is, thus, an ideological cleavage.

**Figure 4.5.** Amendment 70 “Kurdish people” (Lagendijk, Özdemir, Joan i Mari) by political groups



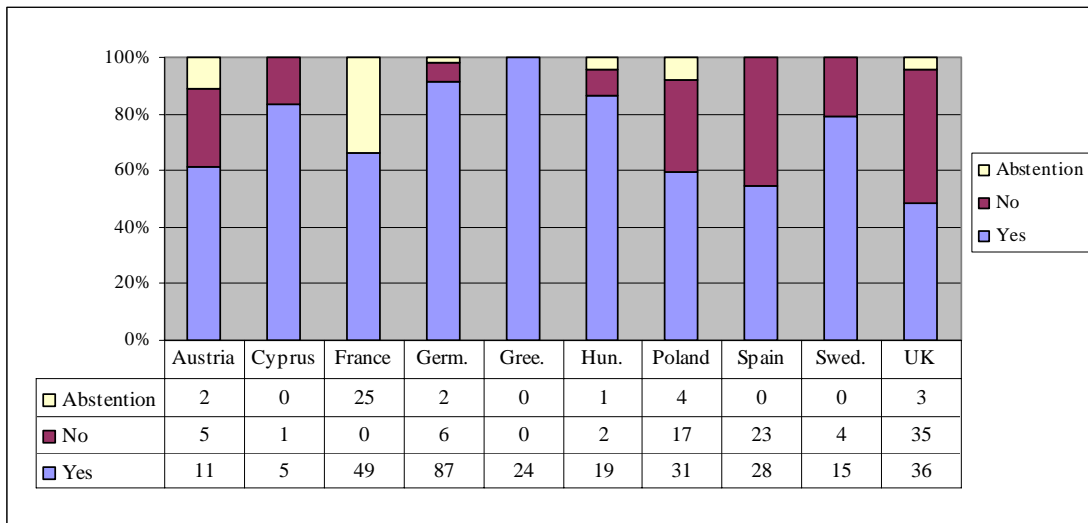
Source: Elaborated by the author from EP documents.

The division among some groups (mainly EPP and ALDE) indicates, though, that ideology is not the only determining factor for being sympathetic towards Kurdish claims. National approaches have traditionally been a determining factor as well. Greece and Sweden have been seen as two of the countries that have a stronger sympathy for the Kurdish issue.<sup>17</sup> As seen in the next graph, nearly all the MEPs of these two countries have maintained their

<sup>17</sup> The assassinated Swedish Minister of Foreign Affairs, Anna Lindh, was particularly outspoken in this respect.

attachment to the Kurds' situation and backed the 70<sup>th</sup> amendment. Among the new EU member states, it is quite interesting to compare the Polish and the Hungarian MEPs' position. While the Hungarians unanimously backed the amendment, the Poles were divided, following the afore-mentioned ideological cleavage. This was due to a consolidated understanding of minority issues on the part of the Hungarians, due to the existence of large Magyar minorities in its neighbouring countries. Not in vain, the EP's inter-group for traditional national minorities is chaired by a Hungarian socialist. Domestic politics dynamics also polluted the sense in which several parties voted regarding the Kurdish issue. For instance, Spanish deputies of the *Partido Popular* voted almost in bloc against this amendment, reflecting their own concerns regarding peripheral nationalisms in Spain. It is also fruitful to compare the different voting patterns of the CDU-CSU and the French UMP regarding this amendment. While the Germans voted in favour, the French opted for the abstention, reflecting a traditional French lack of enthusiasm towards minority issues. To sum up, regarding the Kurdish issue, both the ideological and national factors, as well as personal considerations in some cases, are determinant.

**Figure 4.6.** Amendment 70 “Kurdish people” (Lagendijk, Özdemir, Joan i Mari) by nationality



Source: Elaborated by the author from EP documents.

Even if Turkey's policy towards the Kurdish issue has substantially evolved during the last years, fewer progresses have been made in the Turkish approach towards the Armenian Diaspora claims. The Eurlings Report recognised “that the re-opening to pilgrims of the ruined Armenian churches



of Ani, near Kars in Eastern Anatolia, and the remarkable work carried out by the Turkish historian Halil Berktaş on the genocide and the re-establishment of state relations with the Republic of Armenia represent vital steps forward.”<sup>18</sup> However important criticisms remain concerning the closure of the Turkish-Armenian border and the unwillingness of the Turkish government to accept the genocide claims. In fact, the Eurlings Report included three points regarding this issue, in clear continuity with the EP’s stance since its 1987 resolution. The three points are:

39. Calls on Turkey to promote the process of reconciliation with the Armenian people by acknowledging the genocide perpetrated against the Armenians as expressed in the European Parliament's earlier resolutions with regard to Turkey's candidate status (from 18 June 1987 to 1 April 2004)

40. Believes that the Governments of Turkey and Armenia have to continue their process of reconciliation, possibly with the assistance of a bilateral committee of independent experts, in order to overcome explicitly the tragic experience of the past, and requests the Turkish Government to re-open the borders with Armenia as soon as possible;

41. Calls on the Commission and the Council to demand that the Turkish authorities formally acknowledge the historic reality of the genocide perpetrated against the Armenians in 1915 and open the border between Turkey and Armenia at an early date, in accordance with the resolutions adopted by the European Parliament between 1987 and 2004;

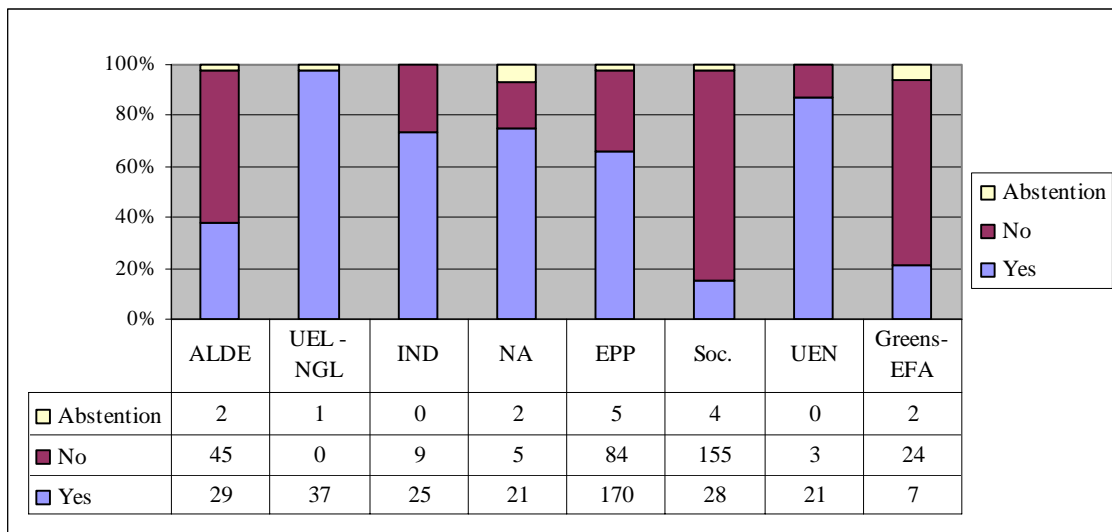
Like with the Kurdish issue, the purpose of the following analysis is to underline the existence of national and ideological correlations with the support to the Armenian genocide claims. Several amendments were introduced: two of them were nominal (the 18<sup>th</sup> and the 83<sup>rd</sup>). The first one obtained a broader support than the second one. Nevertheless, this chapter analyses the 83<sup>rd</sup> because it uses harder terms, urging the Commission and the Council to demand the recognition of the genocide. As seen in the following graph, only the United European Left Group unanimously supported this

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<sup>18</sup> Point GG of the text adopted by the EP on December 15, 2004.

amendment. As far as the rest of the groups are concerned, they were divided even if the support for it was stronger among the conservative and right wing parties. It could be argued that the increasing support for the Armenian Diaspora by the rightist parties represents an important tendency change. During the Cold War, these claims were seen as a communist manoeuvre (Armenia being a Socialist Republic), in order to destabilise a NATO ally. However, as soon as the Turkish membership became feasible, some parliamentarians from conservative and Christian-Democrat parties became interested in the issue. Some felt a sincere empathy towards the Armenian tragedy. For others, it was just another episode of Christians being killed by Muslims in the Middle East. Last, for an important segment of the MEPs it became an instrumental issue to hamper Turkey's EU membership. All these reasons have put the United Left Group and a majority of the EPP in the same boat. The ideological reasons behind their position are, however, very different.

**Figure 4.7.** Amendment 83: Armenian Genocide Recognition (Toubon), by political groups

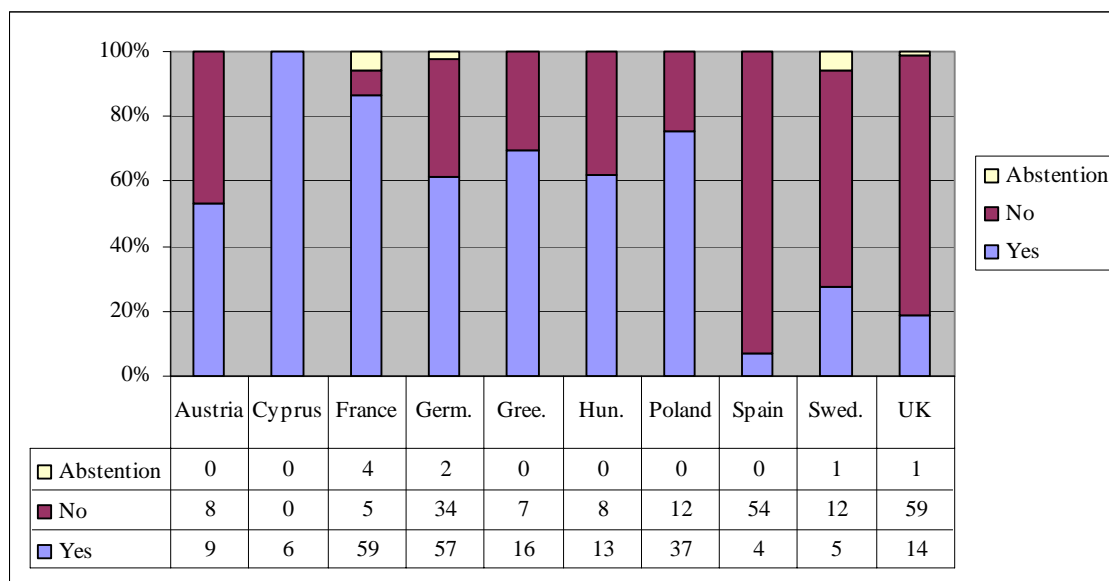


Source: Elaborated by the author from EP documents.

As previously stated, several political groups are divided regarding the Armenian claims. These divisions are based on national cleavages. As seen in the next graph, Cypriot and French MEPs stood as the most supportive of the 83<sup>rd</sup> amendment. For the French it is a national issue, as was evidenced in 2001 with the French National Assembly's adoption of a law recognising the genocide. Furthermore, several French political parties, among them the

Socialists, have acquired the compromise with their electorate that it will be a *sine qua non* condition for Turkey’s accession. Quite dissimilar is the situation in Spain, where this amendment was only backed by four MEPs.<sup>19</sup> The scarce presence of the Armenian diaspora in this country, together with a national political consensus in favour of Turkey’s EU membership, may be important factors for explaining this differentiated behaviour.

**Figure 4.8.** Amendment 83: Armenian Genocide Recognition (Toubon), by nationality



Source: Elaborated by the author from EP documents.

Once more, in this case some personal stances should be pointed out. In fact, the Armenian lobby is important not only in Brussels, but also in several EU member states.<sup>20</sup> For instance, it is interesting to note that fourteen British MEPs supported the 83<sup>rd</sup> amendment, among them a significant minority of the Conservative Party. Probably an important part of these MEPs correspond with those British parliamentarians that the German and French EPP deputies were trying to attract with the secret vote. There are also remarkable dissensions in the other camp. Perhaps the most noticeable is that of the former French Prime Minister, Michel Rocard, who voted against the amendment in contrast with the overwhelming majority of his party. It is even more significant as far as the recognition of the genocide is a

<sup>19</sup> Specifically, Ignasi Guardans (CiU), Josu Ortuondo (PNV-EAJ), Willy Meyer (IU), and Bertnat Joan i Marí (ERC).

<sup>20</sup> The *Fédération Euro-Arménienne pour la Justice et la Démocratie* is the organisation in charge of lobbying in Brussels.

compromise acquired by the French Socialist Party and because Rocard was elected for the *Rhône-Alpes-Provence* electoral district where a huge Armenian diaspora lives. In fact, Rocard has become one of the most outspoken defenders of Turkish membership and was a member of the aforementioned Independent Commission for Turkey. He was the socialist shadow rapporteur of the Eurlings Report as well.

In conclusion, as was the case with the full Eurlings Report, the analysis of the Kurdish and Armenian issues, through a detailed study of the amendments, show the existence of both ideological and national cleavages. The strength of the personal element acquires, though, a special significance because several MEPs, when voting on these issues, feel to be voting on “conscience issues”.

### **Interests, identity or moral considerations**

Helen Sjursen (2002: 494) has proposed to apply three of Habermas's categories to analyse the arguments used to justify the enlargement of the EU to one country or another. These arguments can be pragmatic (gains and costs), ethical-political (values represented by a specific community), or moral (sense of justice, of what is appropriate). In other words, the things that matter are interests, identities or moral considerations. The following is an attempt to explain to what extent the different cleavages, both ideological and national, are related to diverse interests, dissimilar identities or different moral approaches.

As for the interests, it may be said that the EP has put, in 2004, much more emphasis on Europe's long-term interests than in former debates. September 11 and the war on Iraq have forced the re-evaluation of the potential contribution of Turkish membership in the EU. The argument that Turkey's membership will serve as a bridge between Europe and the Islamic world has seduced several EU leaders and also an important number of MEPs. One of the most outspoken among them was Michel Rocard, who in his intervention in the debate asserted that this point, beyond the symbolic dimension, has a major strategic importance. Those against Turkey's membership have also used the strategic interests argument and some wonder if it is indeed in the interest of the EU to have common frontiers with Iraq. Economic and financial interests have also been taken into account. The ones

opposing Turkish membership argued that it would need unaffordable financial assistance and the ones in favour praised the dynamism of the Turkish economy. Both the nationality and ideology of the MEPs naturally shape their perceptions on how Turkey's membership challenges European and national interests. Simultaneously, domestic partisan interests have also conditioned the MEPs' votes. In several countries, mainly in France, Germany, Austria, Belgium and the Netherlands, Turkey's membership has become a major issue in domestic politics. This explains why some conservative and populist parties from these countries are opposing so harshly to starting accession negotiations with Ankara. This also explains why Austrian socialists did not hesitate to join this camp, since they know how unpopular it is to support Turkey's candidature in their country.<sup>21</sup>

Identity considerations differ from one country to another. The French are particularly concerned by the Armenian issue; the Hungarians, more broadly, express their interest on minority problems. To some extent it could be said that for the French and the Hungarians these issues have become a defining part of their own national identity. At the same time, identity issues impact on the ideological cleavage. In fact, an important segment of the EPP, particularly those belonging to Christian-Democratic parties, sustain, in public or more often in private, that Turkey does not belong to the European cultural sphere, that Turks do not share the same values and the same political culture. This was, in fact, an argument used by Hans Gert Poettering during the plenary debate of 13 December, arguing that Turkey's accession "might prove fatal and Europeans might lose their identity, that it might be detrimental to the sense of being 'us' on which solidarity in the European Union is founded". The tone of this sort of comments was, of course, much more aggressive when coming from MEPs from far right parties. Those opposed to Turkey's EU membership, however, have not been the only ones using the identity argument. There is another kind of identity argument used by the proponents of its entry into the EU, which highlights the virtues of cultural diversity and considers that Islamic culture is part of the European past, present and future. In fact, these arguments have been intensively used

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<sup>21</sup> Interestingly, only the far right leader, Jorg Haider, has publicly supported Turkey's EU membership. The Greens seem to be evolving from their former critical attitude towards a more favourable position regarding this issue. However, their MEPs do not follow the evolution seen in Vienna.

by some green and liberal MEPs, particularly after the September 11 terrorist attacks.

Finally, ethical and moral considerations have also been behind the discourse of those that backed the Eurlings Report. It has been argued that the EU cannot have double standards and that promises have to be fulfilled. In fact, this is an argument that was very much repeated by the very rapporteur, Camiel Eurlings. One could speculate about to what extent is this related to Dutch political culture, which puts considerable emphasis on ethical considerations. Nevertheless, the opponents to Turkey's membership have also put these considerations on the table. Several MEPs have argued that the EU is making a decision despite the fact that the majority of its public opinion is against Turkey's accession. In this line, French and Austrian conservatives, as well as the Flemish far right, have argued that this decision cannot be made without previously holding a referendum. A more sophisticated moral argument used by some opponents is that these negotiations will most certainly fail and that, therefore, it would be unfair to create misleading expectations among the Turkish people, risking subsequent frustration.

Going back to Helen Sjursen's classification, the three types of argument --pragmatic, ethical-political and moral-- need to be taken into account when analysing the EP's decision on the Eurlings Report. It is only by considering all these arguments simultaneously that there can be a sound understanding of the EP's position and it is possible to trace its evolution in this field. On the one hand, pragmatic arguments have been more present in the 2004 debate than in previous ones, and mainly promoters of Turkey's membership have used them. On the other, identity concerns, which are also becoming more widespread, are the main argument behind those against Turkey's accession. Finally, moral considerations, which in previous debates had more centrality, are still part of the discussion; however, they are not the reason behind the stance of the MEPs anymore, but an argument used and instrumentalised to defend either position.

## **Concluding remarks**

The debate and later vote on the Eurlings Report are good examples of how difficult it is to identify the exact position of EU actors regarding Turkey's membership. As far as the EP is concerned, the research results presented

here indicate that nationality, ideology, and occasionally personal stances, are determinant factors to explain the MEPs' position regarding the accession of Turkey. Both nationality and ideology have an influence on the perception of interests, identity and moral considerations.

However, in these concluding remarks it is important to answer two questions that go beyond the limits of this chapter. The first one is whether the debate and decision made by the EP regarding the Eurlings Report had an impact on the decision of the European Council. The second corresponds to whether the main lines of this report will be incorporated into the negotiations, due to start this fall.

Regarding the first question, during her speech on the Eurlings Report, the Swedish MEP, Cecilia Malmström, stated that “this is an extremely important report that comes at a time when the leaders of the Member States have still not put the finishing touches to the conclusions from the weekend summit. It is not easy to interpret what will happen if the President-in-Office of the Council is listened to. That is why it is important for ourselves in the European Parliament to send out a strong and clear signal”. The signal was even stronger thanks to the secret vote and the amazing image of the MEPs holding posters with their vote in different languages, most of them with the word *evet*, ‘yes’ in Turkish. This image caught the attention of the media all over Europe and gave a great visibility to the EP’s advice recommending the start of negotiations without delay. It also reinforced the position of those EU member states that are more favourable to Turkey’s membership. Likewise, it took away a powerful argument from the most reluctant countries, which have repeatedly shielded themselves behind the presumption that most EU citizens are against Turkey’s accession. The EP is considered the EU institution that best reflects the views of the EU’s citizens, and this time it spoke loud and clear.

One could also wonder what would have happened if the EP had voted against the report or if this report have not contained an explicit recommendation to start negotiations. In that case it would have been much easier for the reluctant governments to toughen their position by asking to include, at least, the possibility of establishing a ‘special partnership.’

As for if and how will this report influence the negotiation process, it must be said that it will largely depend on what position the Commission assumes. During the field research carried out in Brussels, several MEPs explained that the Commission is considering incorporating the report to the

negotiation process. This would have two major consequences. First, it would imply the recognition of the increasing role of the EP in the EU's external affairs, which goes beyond the EP's formal powers. Second, it would complicate the negotiations since the report is very critical of human and minority rights, not to mention the explicit demand to admit to the Armenian genocide. In the end an intermediate solution may be found and even if not all the report recommendations are incorporated, some may be included in the Commission's agenda.

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## CHAPTER 5

# The Inter-parliamentary Delegations of the European Parliament: National and European Priorities at Work

Anna Herranz

### Introduction<sup>1</sup>

In June 2000, a report of the Western European Union (WEU) Assembly claimed, “parliamentary cooperation has been superseded by ‘parliamentary diplomacy.’”<sup>2</sup> Certainly, parliamentary involvement in foreign policy issues has intensified, especially since the beginning of the 1990s. Relations between parliaments from all over the world are more frequent and coordinated than ever before and, in some cases, they even have given place to fully-fledged inter-parliamentary bodies. The European Union (EU) itself is a labyrinth of inter-parliamentary relations between parliaments of different levels.<sup>3</sup> This

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<sup>2</sup> WEU Assembly, *Parliamentary diplomacy: the role of international assemblies*, A/1685, 6 June 2000. The rapporteur (Vera Squarzialupi) provides an overview of the different interparliamentary bodies created since the Interparliamentary Union was established in 1889.

<sup>3</sup> Within the EU, there are institutionalized links between national parliaments (COSAC), links between national parliaments and the EP (Conference of Chairmen of the Foreign Affairs Committees), but also between EU national parliaments and parliaments abroad (Assemblies of the WEU, Council of Europe and OSCE), between the EP and parliaments abroad (interparliamentary delegations, joint parliamentary assemblies, and others) and, looping the loop, there are even some parliamentary assemblies that link the EP, national parliaments and those of third countries (NATO Assembly, Euro-Mediterranean Parliamentary Assembly, and others).

chapter analyses one of such inter-parliamentary relations within the framework of the EU, namely that of European Parliament (EP) delegations with third countries' parliaments.

The role of these delegations has deserved scant attention from scholars dealing with European foreign policy, and the regular media rarely covers their activities. One of the motives for such disdain is that these inter-parliamentary relations are often considered of little use, as being nothing more than "political tourism" or a costly "cheap talk." Therefore, the first aim of this chapter is to provide an overview of how this network of delegations works and, at the same time, to assess its value, departing from the opinions provided by some Members of the European Parliament (MEPs) themselves and members of the EP's Secretariat.

The second section of this chapter focuses on the composition of the delegations and the role of MEPs within them. The aim is to analyse the interplay between national foreign policy priorities and those of the European political groups (PG) in the organization and functioning of the delegations. The following questions will be addressed: Does the distribution of MEPs among the delegations reflect national foreign policy priorities? If this is the case, what are the parliamentarians' perceptions of their role within these delegations? What kind of coordination is there between MEPs to make delegations work? Is this coordination based on nationality or on the European political group to which MEPs belong?

This study is circumscribed to the MEPs of three countries (Poland, Spain and Germany) mainly for pragmatic reasons, but also because they are member states with different length of work within the EU and also because they have very different foreign policy priorities. However, it is assumed that certain degree of generalization is possible. Most of this section has been constructed using interviews and questionnaires answered by MEPs from the above-mentioned countries.

Methodological problems in the course of the elaboration of this chapter have been manifold, some of which are worth mentioning to explain some of the shortages of the present analysis. First, written sources of information are very scarce. There is no in-depth work on the task of the delegations, and available primary sources (minutes of the meetings of inter-parliamentary meetings, EP reports, debates, and others) are only recent documents, so it has been very difficult to provide detailed background information for this research. Second, specific information, for example the

budget for inter-parliamentary delegations (IPDs), was unavailable, despite the various oral and written requests made to various instances of the EU.

Third, most of this chapter was written on the basis of interviews held with MEPs and answers to a questionnaire distributed among selected MEPs, precisely those who are playing an important role within their delegations. Thus, there is a chance the sample may be biased. To overcome this bias, MEPs were not questioned only about their role within their respective delegations, but also about their opinion on the functioning of other delegations and the activity of other MEPs in general. Interviewees were guaranteed that their opinions were to be kept strictly anonymous, although in some cases, they agreed to appear in a list of interviewees (see the list provided at the end of the chapter.)

### **Political tourism or valuable parliamentary diplomacy?: Some caveats**

During interviews with MEPs and members of the EP's Secretariat, the expressions of "political tourism" and "valuable parliamentary diplomacy" were both recurrently used to refer to the task of the delegations. The aim of this research, however, is not to conclude if either appraisal suits better the reality of IPDs, particularly because things are not strictly black or white. There are many types of inter-parliamentary units and, consequently, a great variety of purposes. Moreover, the degree of relations maintained between the EU and the countries with which the EP has set up IPDs is a fundamental variable to determine their role and potential. In what follows, this variety of inter-parliamentary units will be sketched and their functions reviewed to throw some light on what is the true value of IPDs.

### **Types of inter-parliamentary units and their organization**

Although they tend to be grouped under the label 'inter-parliamentary delegations', there are many types of delegations, depending on their origin and fundamental purpose. Most of them are established to fulfil the obligation of opening up parliamentary channels of communication set out by the Community's external agreements. Others have been established by the EP on its own initiative or because the parliaments of third countries requested them. Regardless of what were the reasons behind the creation of any of these IPDs,

the truth is that the increase in the number and type of delegations in the course of the past three decades clearly reflects the progress the EU has made towards becoming an international actor and the incremental consolidation of the European Parliament itself, as well as the changes that have taken place in the European and international arenas.

The clearest example of such underlying changes in the European context lies in the increase in the number of delegations appointed to 'Joint Parliamentary Committees' (JPCs), that is delegations formally established within the framework of association agreements, which are generally signed with candidate countries. These so-called 'accession JPCs' are obviously disbanded when the candidate country enters the Union, so they tend to be more short-lived than other delegations, with the exception, of course, of the EU-Turkey JPC that, with 40 years of existence, is one of the oldest interparliamentary delegation of the EP. This fact itself reflects one of the paradoxes of Europe's enlargement process. After the fifth enlargement of the EU, only 4 from the 14 previous accession JPCs remain (see Annex I). The reduction in the number of JPCs, however, has been partially counterbalanced by the conclusion of association agreements with Chile and Mexico during the last parliamentary period, and the new JPCs set up with Croatia and FYROM.

The fall of the Soviet Union also brought about a new type of delegation for the 'Parliamentary Cooperation Committees' (PCCs), which arose from the Partnership and Cooperation Agreements signed with the countries of the former USSR during the 1990s. These PCCs, as the JPCs, have the formal prerogative of following the development of the agreements and making recommendations to the Cooperation Council, in the case of the former, and the Association Council, for the latter.

'Inter-parliamentary delegations', strictly speaking, are those delegations set up to promote inter-parliamentary contacts between the EP and the parliamentary bodies of third countries, regions, and even Parliamentary Assemblies, as that of NATO. The first of them, the delegation for relations with the United States, was established in 1972, even before the EP was a directly elected body.

But it was after holding direct elections for the first time in 1979 that IPDs began to mushroom for various reasons. Most of them were established by the European Parliament as a natural response to international events or as a demonstration of its will to be closely involved in such affairs. The setting up of IPDs entailed in some occasions a great symbolism. For example, at the

very beginning of September 1991, some MEPs proposed to set up a permanent delegation with the Baltic States as the best symbolic gesture to show the recognition of their independence. But, in other cases, the demand to establish permanent IPDs came from parliaments of third countries, as were the cases of Japan in 1978 or South Korea in 1985-86. Currently, there are 20 of them (see Annex I).

Apart from these three modalities of delegation, there are also more structured inter-parliamentary relations embodied in 'joint parliamentary assemblies' as that of the EU-ACP countries or the Euro-Med Parliamentary Assembly,<sup>4</sup> as well as other looser inter-parliamentary contacts as the EP-Latin America Parliamentary Conference<sup>5</sup> or the 'Transatlantic Legislators' Dialogue.'<sup>6</sup> This chapter focuses on IPDs, JPCs and PCCs. However, the work of the EU-ACP Joint Parliamentary Assembly is also worth mentioning because of its high level of activity and its degree of institutionalization, which, for many MEPs, is a model of regional inter-parliamentary relations that should be set up with the parliaments of other regions. The Lomé Convention –the document that created a partnership between the EC and 77 countries of Africa, the Caribbean and the Pacific– called for the establishment of the EU-ACP Assembly in 1975. This assembly, which gathers together 154 participants (one representative from each ACP country and 77 from the EP), considers itself a fully-fledged international parliamentary body and not only a meeting forum for the delegations of the European Parliament and the ACP countries.

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<sup>4</sup> The Euro-Mediterranean Parliamentary Assembly is, since 2003, the heir of the EuroMed Parliamentary Forum. It embodies the parliamentary dimension within the framework of the Barcelona Process and was set up precisely to invigorate the process, which has been increasingly flagging since its inception in 1995. It brings together parliamentary representatives from all EU member states and all Mediterranean countries that take part in the process, as well as some MEPs.

<sup>5</sup> The EP-Latin America Parliamentary Conference is a biannual conference that brings together representatives from the delegations of the EP that work on issues related to Latin America and members of the Latin American Parliament (Parlatino) and other Latin American regional Parliaments (Andean Parliament, Parlacén).

<sup>6</sup> The 'Transatlantic Legislators' Dialogue joins representatives from the EP and the US Congress. The difference between this Dialogue and an interparliamentary delegation is that there is a more permanent coordination as a way to demonstrate the reciprocal will to maintain an enhanced dialogue. In this case, there are a Steering Committee and a Senior Level Group, which are composed of high-ranking officials from the European Commission, the EU Presidency and the US Administration.

A last type of parliamentary unit is the *ad hoc* delegations, which as their name indicates are created in response to particular political events and, more often, for observing electoral processes. They are usually made up by between 3 and 5 members. Likewise, the EP sometimes contributes to observation missions undertaken by the Council of Europe or the United Nations. *Ad hoc* delegations may also be set up to participate in international conferences --for instance, within the United Nations (UN), the Organisation for Security and Co-operation in Europe (OSCE), the Group of Seven (G-7) or the World Trade Organisation (WTO). The *ad hoc* delegations are normally singled out as the clearest example of the impact and efficiency of the work of delegations, since they are set up to fulfil a specific purpose.

Currently, the panorama of delegations has changed considerably, although their number has remained nearly the same (they have decreased from 35 --last term-- to 34). As stated already, 10 JPCs have disappeared, but other delegations have been born from splitting some previous delegations: the two delegations for Latin America during the last term branched out into five;<sup>7</sup> the former delegation for relations with Ukraine, Belarus and Moldova gave place to a separate IPD for each of these countries; and separate delegations were also set up with Iran and with the Korean Peninsula. In the opposite direction, the delegation for the countries of the European Economic Area and that for Norway, Iceland and Sweden have been put together. The reason behind this reorganization is mainly the different speed and degree of relations between the EU and third countries.

The number of members of each EP delegation varies considerably, from the 10 members of the IPD to NATO's Parliamentary Assembly to the 34 of the delegation for relations with the US. Each of these delegations has a similar number of deputies from the counterpart Parliament. During the present parliamentary term, nearly all MEPs are involved in at least one of the 35 delegations. In 1994 some reforms were introduced after which the major political groups abandoned the practice of having every MEP be a part of a delegation (Corbett *et al.* 2003). In the case of Germany, for example, only two thirds of parliamentarians were involved in one of the 27 delegations in 1994.

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<sup>7</sup> The two former delegations were those for relations with countries of South America and for relations with Central America and Mexico. The current ones are: EU-Mexico JPC, EU-Chile JPC, a delegation for relations with the countries of Central America, a delegation for relations with the countries of the Andean Community and a delegation for relations with the countries of Mercosur.



But with the progressive increase in the number of delegations, the number of MEPs participating in them also grew. The 2004 enlargement was expected to alter the situation because of the addition of 131 new MEPs and because, in principle, the number of delegations was to be reduced. However, the number of delegations has remained the same and virtually all MEPs participate in at least one delegation.

Each delegation holds an inter-parliamentary meeting once or twice a year, alternately in the Parliament and in the partner country. Besides, the EP delegations also meet in Brussels and Strasbourg in order to prepare the agenda for future visits. Each delegation has a bureau, formed by a chairman and two vice-chairmen, which plays a central role in organizing the agenda of those meetings. In fact, in the opinion of all the MEPs that were interviewed for this study, the level of activity of each delegation depends greatly on the role of the bureau.

The Committee of Foreign Affairs of the EP (AFET) is responsible for preparing and monitoring all the activities related to this inter-parliamentary network. More technically, within the Secretariat of the EP, Direction B of the Directorate-General 3 (External Policies) is in charge of all IPDs. Although the task of the Secretariat is organisational in nature, it plays a very powerful role, given that through the establishment of the agenda it can sometimes have an indirect influence on the substance of these encounters.

Another important body in the organization of the delegations' work is the Conference of Delegation Chairs. Its task is to prepare the calendar of future inter-parliamentary meetings and to draw up implementing rules for the functioning of delegations. Another task that is not explicitly stated in the rules of procedure is, in the words of one MEP, "jostling with the Budgets Committee for funds that enable an appropriate number of MEPs of a delegation to travel to a given country." It is precisely the Chairman of the delegation who has the responsibility to decide the number of MEPs that shall travel, with a high limit of 2/3 of the members of the delegation.

### **Functions and dysfunctions of the EP's delegations**

As stated above, the functions of IPDs vary in great manner from country to country and depend on what kind of delegation is being considered. For instance, the role of the delegation to the EU-Bulgaria JPC, which has the formal prerogative of supervising the implementation of the accession agreement, unfortunately has very little to do with the role of the delegation

for relations with Belarus, a country with which the EU has not managed yet to ratify the Partnership and Cooperation Agreement and where no parliamentary nor other official visits are welcomed by the Belarusian authorities.

These facts notwithstanding, the task of EP delegations always implies a two-way process. On the one hand, the permanent contact through these various inter-parliamentary structures provides the EP with first-hand knowledge on the specific situation of each country. Both the quantity and quality of the information may be very high, since the dialogue during the encounters has an all-encompassing character, that is that the EP delegation does not only meet parliamentarians and officials, but also representatives of civil society, groups suffering from specific problems, economic groups, members of opposition parties, and others. As a former MEP put it, delegations represent “the eyes and ears of the EP” (Viola 2000: 27).

But, on the other, delegations are also the EP’s “mouth”, since they are used simultaneously as a “resonance box” or as a mouthpiece of the positions adopted within the AFET or the EP as a whole. In this sense, almost all the interviewees considered that representing the EP is one of the delegations’ main functions. And, in many cases, MEPs went further and responded that delegations not only represent the EP as such, but the EU as a whole. This role as the EP’s mouthpiece acquires special relevance in crisis situations in other countries, where these delegations often play the role of mediators and/or facilitators of dialogue. Therefore, the most accurate way to describe the general task of IPDs would be to consider them as transmission belts, that is a direct channel for the exchange of information, worries and desires between the EP and third countries and, thus, for improving mutual understanding and deepening relations.

Apart from being an instrument for furthering mutual understanding, the know-how transmitted through inter-parliamentary contacts has demonstrated its potential to be used to influence both third countries and other EU institutions. Regarding the first use, the EP can press or influence third countries in very different domains. For example, one of the main concerns of delegations is improving human rights policies in other countries; delegations can raise this question during their visits in various forms, whether explicitly, for instance by presenting a list of political prisoners and asking if they are given fair treatment, or indirectly, by asking to visit a prison, or visiting regions or minorities whose rights are violated by governments.

Another important value that delegations try to promote is that of regionalism and multilateralism, especially in those areas where there is still a long way to go. This is especially the case of Latin America and Asia. As one MEP put it, "our task is to spread the value of the new multilateralism, the need and advantages of supranationalism." The range of topics on which the EU tries to put some pressure also includes economic considerations, especially in those delegations where trade questions are the main substance of inter-parliamentary dialogue. For example, one of the main tasks of the delegation for relations with Japan is to facilitate the progressive removal of trade barriers.

Finally, a vaguer but often cited way of influencing third countries is the alleged "socializing effect" of inter-parliamentary encounters on third countries. This is particularly the case of the work of the JPCs, where candidate countries become familiarized with the functioning of the EP. In other MEP's view, the socializing effect can also be seen in the simple fact that "this parliamentary dialogue is a way to promote a more active involvement of parliaments in foreign affairs issues." In other words, delegations are promoting a "parliamentarisation of foreign policy", what is itself considered a valuable contribution.

Regarding the use of information to steer the decision-making process within the Council and the Commission in favour of specific projects, there are many options. Since the EP has hardly any formal prerogative in the field of foreign policy issues, one may think that delegations' reports and recommendations<sup>8</sup> are fruitless efforts that go by the wayside vis-à-vis the Commission and the Council. However, by virtue of the EP's competences in external relations, delegations play a significant role in the monitoring of agreements that need the EP's assent, whether for their approval or their extension. The EP's budgetary authority is also important to press for the right application of the various funds allocated to countries within the framework of agreements (TACIS, MEDA, CARDS, and others.) Therefore, it could be stated that the role of delegations is not merely that of providing a channel for parliamentary diplomacy, but also one of facilitating parliamentary control.

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<sup>8</sup> Unlike the committees, delegations do not have the right to appear before or present reports to the plenary, but they can submit written reports and recommendations about the outcomes of their inter-parliamentary meetings to the AFET.

But delegations may also exert their political influence on other EU institutions via less formal prerogatives. A recent example was the cancellation of the EU-ACP Joint Parliamentary Assembly meeting because the EP did not accept two representatives of Zimbabwe who were given visas by Brussels authorities although they were covered by the Council's restrictive measures on the issuing of visas on grounds of serious violations of human rights.<sup>9</sup> This episode had the purpose to make clear that the EP does not accept double standards from the part of the EU. As stated by Stelios Stavridis (2002) "Parliaments often act as 'moral tribunes'. That is to say that *Realpolitik* can and does exist in national foreign policies but there are other elements of a more idealistic, pluralistic kind, which are usually expressed in parliamentary bodies, debating houses."

Finally, delegations have the indirect function of distributing responsibilities among MEPs. Especially those MEPs holding a chairmanship or vice-chairmanship in delegations feel responsible themselves for the adequate functioning of the delegation or even as advocates of third countries and thus are supposed to mobilize quickly when events so require. For example, after the catastrophe of the tsunami in East Asia, the Chairman of the AFET, Elmar Brok, and the Chairman of the delegation for relations with South-East Asian countries, Hartmut Nassauer, promoted a joint meeting of the Committees of Foreign Affairs, Development and Budgets with the ambassadors of Sri Lanka, India, Thailand and Malaysia, and committed themselves to speed up the delivery of aid for these countries. Besides, the chairwoman of the EP's delegation to the ACP Joint Parliamentary Assembly, Glenys Kinnock, also exerted pressure on the EP to take into account those African countries affected by the catastrophe.<sup>10</sup>

Despite the above-mentioned examples of the successful influence of delegations and many others that could be presented, "one swallow does not make a summer." According to the assessment of many of the MEPs interviewed, the political impact of delegations is generally very low. Some of them even manifested their scepticism about the outcomes of such meetings, because, more often than not, they are only an interchange of commonplaces or cheap talk. Others even said that the public character of inter-parliamentary meetings does not favour a frank dialogue. For this reason, for example,

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<sup>9</sup> European Parliament, *Report on the work of the ACP-EU Joint Parliamentary Assembly in 2003*, A5-0013/2004, pp. 11-12.

<sup>10</sup> *Agence Europe*, 6 January 2005.

during the meeting of the delegation to the EU-Turkey JPC in Brussels, the 3 February 2005, one MEP proposed to maintain the following inter-parliamentary meeting behind closed doors, because of the sensibility of the matters that parliamentarians needed to address. In another MEP's opinion, inter-parliamentary meetings sometimes turn out to be a "place for the psychodrama" without bringing about any tangible result.

Many other reasons for being sceptical about the role of delegations were given. To some extent, the Council was to blame for this situation. When asked about the degree of coordination and information provided by the Council, nearly all the MEPs interviewed stated that they were not satisfied with it. While MEPs accepted that some influence and feedback is possible with the Commission, there is not such thing with the Council. This perception of having scarce room of manoeuvre has repercussions on the MEPs' attitudes towards these delegations, in the sense that it is discouraging to travel to some countries where there is a great demand for Europe, when the EP itself has no prerogatives in foreign policy and only very limited ones in the case of external relations. As an MEP regretted, inter-parliamentary encounters sometimes raise false expectations about the EU in third countries.

However, this does not mean that MEPs are not to blame for the lack of impulse in some delegations. As stated by many interviewees, the activity of MEPs in the delegations is, at best, their third or fourth priority in comparison with their other tasks as parliamentarians. Others noted that, although there are MEPs that are really experts and have a great interest in the target country or region of the delegation in which they take part, for others, it is only a way to fulfil an obligation and to engage in "political tourism." Many of the MEPs interviewed were critical of the EP in general, especially regarding the level of participation in the working meetings of the EP delegations in Brussels or Strasbourg, sometimes lower than the number of MEPs that travel abroad with the delegation. According to some MEPs, the low level of attendance to those meetings –intended to prepare future visits and to hear the opinions of diplomatic personnel of the country being dealt with as well as of Commission officials– is sometimes embarrassing, counterproductive for the EP's image, and even damaging for the relations with third countries.

The economic cost of maintaining the system of IPDs is another matter of concern for parliamentarians and other officials working in EU institutions, but especially for the wider public. The fact that virtually every MEP is in at

least one delegation has aroused harsh criticisms and has perpetuated the cliché of considering the Parliament “the biggest agency of political tourism.”<sup>11</sup>

The Parliament itself has attempted many times to rationalise the activity of the delegations. The most important initiative in this sense was implemented in 1994, when the major political groups decided to stop the practice of having every single member be a part of a delegation. This measure, as Corbett *et al.* (2003) calculate, resulted in a dramatic budgetary decrease: “the cost of delegations fell from 2 million Euros in 1993 to an average of 800.000 Euros between 1995 and 1998.” Since 1999, the rationalisation has been made mostly by reducing the number of MEPs travelling in each delegation.<sup>12</sup> Many of the MEPs interviewed deemed that the amount dedicated to delegations was not that high, in comparison with the total budget of the EP and, for example, the expenses incurred in by the monthly travel to and from Strasbourg of the whole Parliament. However, some of them admitted that they sometimes deliberately tried to hide their travels from the wider public, to avoid adding fuel to the fire of the existing prejudices towards the EP.

Criticism towards the way delegations coordinate with the AFET was also manifested. In some MEPs’ opinion, the AFET is already overloaded to deal with the work of delegations for countries that are not in the agenda. In fact, the 1998 Common Foreign and Security Policy (CFSP) annual report already called for the EP’s Bureau and its General Secretary to “ensure a closer cooperation between the AFET and Parliament's delegations at political as well as at administrative level.”<sup>13</sup>

But despite all these problems, the overall assessment by MEPs was that delegations constitute one of the most valuable instruments of foreign action that the EP has. Even when it is sometimes difficult to see their true effectiveness, the MEPs and members of the Secretariat interviewed for this study considered that delegations constitute an original form of parliamentary

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<sup>11</sup> In words of a former Commission official.

<sup>12</sup> From the budget of the European Parliament that is available in the Archives of the EP, it is not possible to calculate the current amount dedicated to delegations, since there is no budgetary line for them. Oral and written petitions were made to the Budgets Committee of the European Parliament and via *Le courrier du citoyen*, to know if an approximate amount could be provided as reference, but no response was obtained.

<sup>13</sup> European Parliament. *Report on the role of the Union in the world: Implementation of the Common Foreign and Security Policy for 1998*, A4-0242/99, 23 April 1999.

diplomacy that should be improved and furthered. On the basis of their opinions, one could state that this parliamentary diplomacy is not only a means for improving mutual understanding and exerting influence, but also an end in itself. The parliamentarisation of foreign policy is sort of a matter of principle for parliamentarians because, as one MEP put it, "we, as legislators, have the duty to have a more plural vision of the world."

Another recurrent opinion was that, as European foreign policy acquires a higher profile, the work of the EP's delegations has progressively become more relevant and prestigious. The role of MEPs in the delegations is also increasingly acknowledged by external actors, since the vast majority of the interviewees affirmed that they regularly receive information and demands of various lobbying groups on activities related to their delegation (official representations of countries, NGOs, firms and even subnational governments of member states). As one MEP stated, "delegations were formerly considered as an agency of political tourism, whereas now they are seen as useful instruments that in case they did not exist, they should be invented."

## **Do national foreign policy priorities matter? Why and what for? The cases of Poland, Spain and Germany**

The Eurochamber has always been considered to be at the forefront of European integration. Especially in foreign policy, the various annual reports of the AFET Committee have always insisted on the need to further both the CFSP and the European Security and Defence Policy (ESDP), to make them ever more 'common', by increasing the Commission's and the EP's roles while eliminating the requirement of unanimity, as well as by setting up a common European diplomacy to promote Europe's strategic culture. Furthermore, MEPs have always ranked the highest in their degree of "European socialization," when compared to other officials working in other EU institutions. Thus, when studying the EP's stances in foreign policy and external relations issues, it is generally treated as a whole.<sup>14</sup> However, this section looks inside the EP to analyse whether MEPs tend to defend national

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<sup>14</sup> However, some thorough analyses on the performance of the EP's Political Groups in foreign policy issues can be found in the studies of Donatella Viola (2000) and Karl-Heinz Neunreither (1990.) See also Fulvio Attinà (1990), who refers to foreign policy among other areas.

foreign policy priorities within the European Parliament and if this is reflected in the composition and work of IPDs.

### **The composition of inter-parliamentary delegations: A reflection of national foreign policy priorities?**

The way delegations are composed is essentially the same as that of EP Committees. Political Groups have to present their list of candidacies to the Conference of Presidents. In order to make the appointments within the group, MEPs manifest their preferences according to the existing delegations. The primary decisions are normally taken inside the different national delegations within the Political Group or within small parties inscribed in a bigger Group (for example, the European Free Alliance, within the Group Greens-EFA.) When there is competition for being a member, or holding a chairmanship or vice-chairmanship, the group votes between the nominated colleagues, normally in response to criteria of expertise in the area of the delegation, seniority and prestige of the various MEPs concurring, as well as responding to internal equilibriums among the different national delegations of the Group. Once the candidatures have been presented, the Conference of Presidents submits a proposal to the Parliament that should, as much as possible, reflect the overall composition of the Parliament.

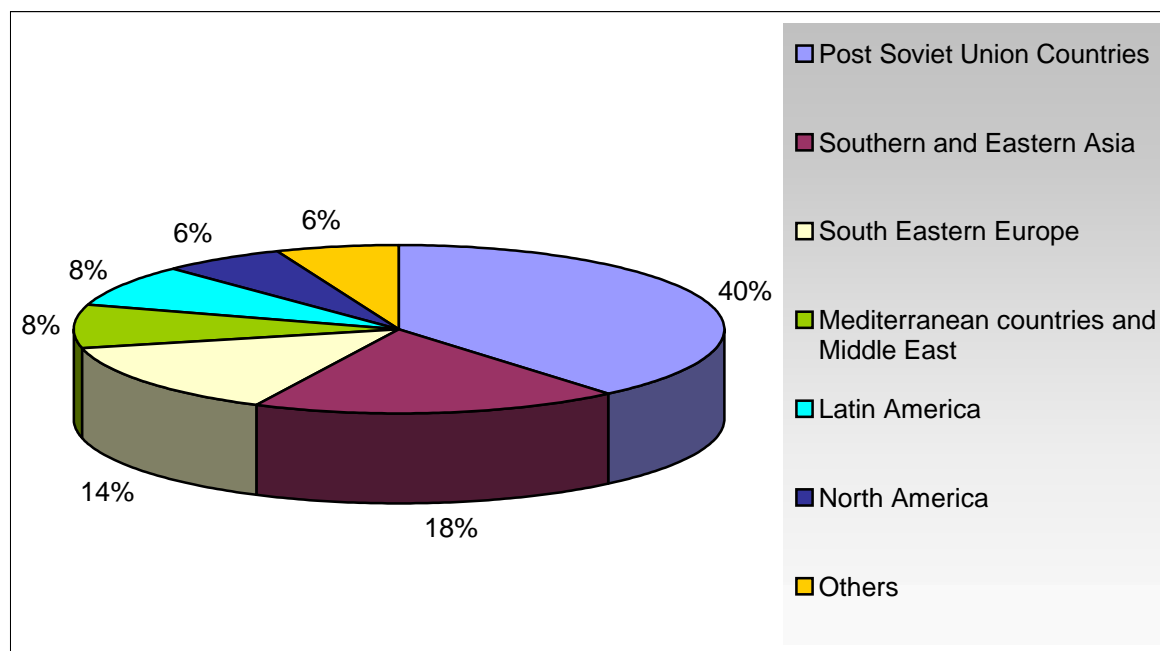
When analysing the delegations' composition, it can be seen that the balance between political forces and countries is maintained as far as the number of chairmanships and vice-chairmanships is concerned, as well as regarding the political pluralism within the membership of each delegation. However, when looking at the nationality of the MEPs of each delegation, a concentration of MEPs of some countries in specific delegations becomes apparent (see Annex I.) The different distribution patterns for Polish, Spanish and German MEPs follows this feature.

*Distribution of Polish MEPs.* As shown in the figure below, the case of Polish MEPs clearly reflects that Poland's priority is the Eastern dimension of the EU, given that 40% of that country's MEPs are members of delegations for post-Soviet countries (and, a majority of them, specifically take part in those for Belarus, Ukraine and Russia.) The tenure of chairmanships and vice-chairmanships is also crystal clear in this regard: the two chairmanships held by Polish MEPs are those of the EU-Ukraine PCC and the delegation for relations with Belarus; the four vice-chairmanships are held in the delegations



for Ukraine, Moldova, NATO and Australia and New Zealand. The importance attributed to this region is also seen in the seniority of the Polish MEPs that are part of the delegations for Ukraine, Belarus and Russia.<sup>15</sup>

**Figure 5.1.** Distribution of Polish MEPs among delegations (2004-2009).



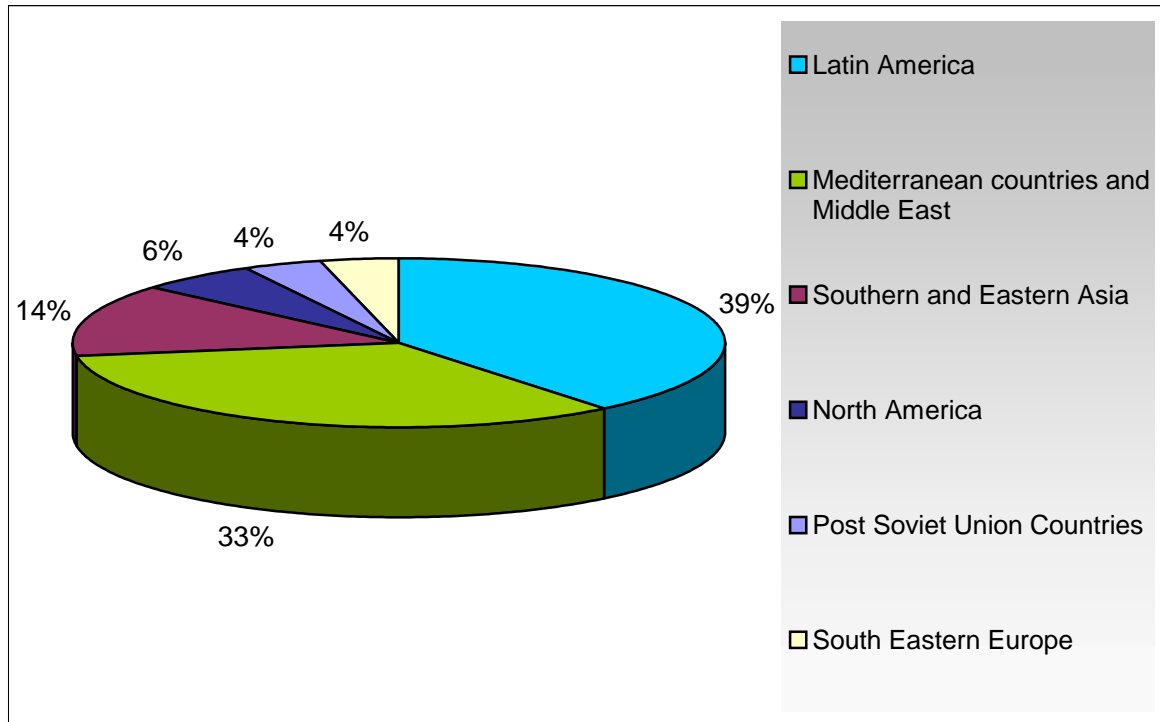
Source: Elaborated by the author from EP documents.

*Distribution of Spanish MEPs.* The unequal distribution of Spanish MEPs among delegations is even clearer than in the case of Polish MEPs. As shown in the figure below, the distribution reflects perfectly Spain's two traditional priorities in foreign policy: the Mediterranean and Latin America (72% of Spanish MEPs are in delegations related with these two regions). The attribution of chairmanships and vice-chairmanships is also revealing in this regard. The two chairmanships held by Spanish MEPs are that of the delegation for relations with Central America and the one for relations with the Maghreb countries. And regarding the four vice-chairmanships, two are held in the delegation for relations with Central America, another in the delegation for relations with the countries of Mercosur and the last one in that for relations with Andean countries.

<sup>15</sup> Jerzy Buzek (former Prime Minister,) Bronislaw Geremek (former Foreign Affairs Minister,) Janusz Onyszkiewicz (former Defence Minister,) Jacek Saryusz-Wolski (former Minister for European Affairs,) Marek Siwiec (Chairman of the delegation to Ukraine and former Secretary of State in the Presidential Chancellery as well as head of the Office of National Security,) and Bogdan Klich (Chairman of the delegation to Belarus and former Vice-minister of Defence.)

This distribution is not exceptional for Spanish MEPs, since in previous parliamentary periods the case has been basically the same. Spanish MEPs have traditionally held the chairmanships of the delegations for relations with Latin American countries too (specially that of Central America and Mexico, which had always been led by a Spanish MEP), as well as the chairmanship or vice-chairmanship of the delegation for relations with the Maghreb.

**Figure 5.2.** Distribution of Spanish MEPs among delegations (2004-2009).

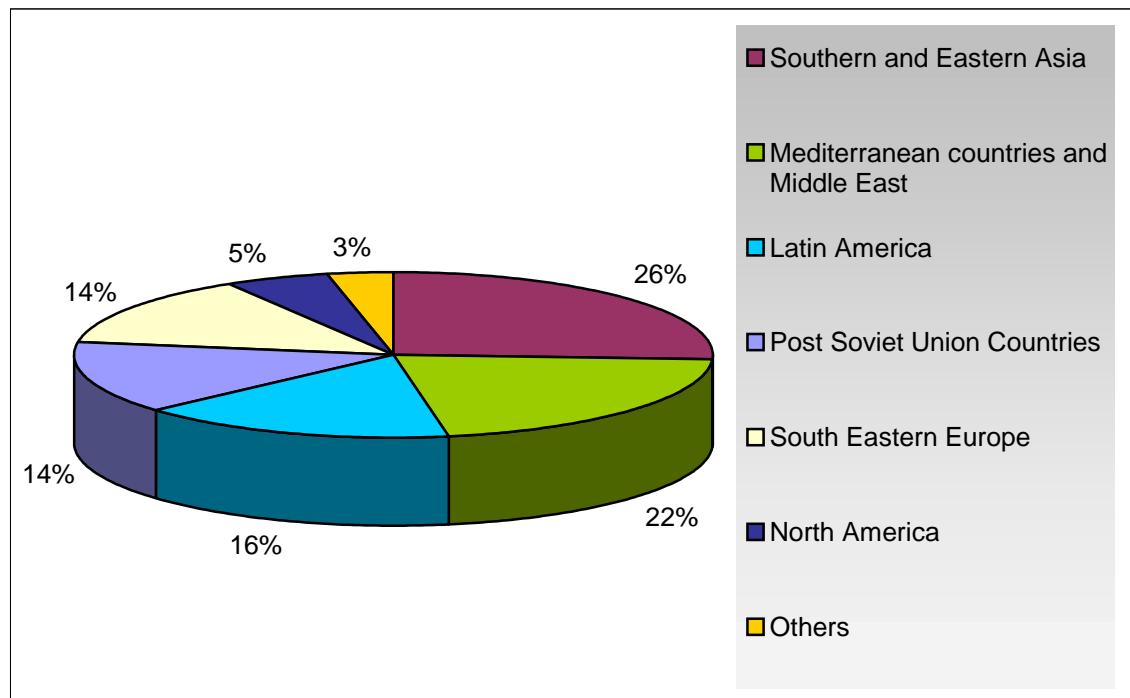


Source: Elaborated by the author from EP documents.

*Distribution of German MEPs.* Unlike the case of Polish and Spanish MEPs, the distribution of German MEPs does not reflect any special concentration in the delegations of any geographical region in particular. Neither do the chairmanships indicate any significant pattern of preference for concrete delegations. But this also reflects Germany's traditional role within the EU as the biggest member state and its foreign policy priorities. Germany is more focused on promoting some horizontal issues than in concentrating its efforts on some specific regions. In other words, Germany has been a keen promoter of European integration and multilateral institutions, of trade liberalization and of democracy and human rights, responding to the self-images of Germany as *Handelsstaat* and *Zivilmacht* (commercial state, civil power.)

During previous legislatures, things were slightly different, due to the existence of JPCs with the Central and Eastern European Countries (CEECs), now disbanded. Due to Germany's central role in the fifth enlargement process of the EU, about 30 % of German MEPs were, unsurprisingly, appointed to those delegations. However, even with this 30% of MEPs dedicated to CEECs, the distribution of German MEPs was quite balanced vis-à-vis other regions. Regarding chairmanships and vice-chairmanships, there is some continuity too. For example, some delegations have been headed by German MEPs during the last three or four parliamentary terms (delegation with ASEAN countries, delegation for relations with South-East Europe).

**Figure 5.3.** Distribution of German MEPs among delegations (2004-2009).



Source: Elaborated by the author from EP documents.

### **Explaining the attitudes and performance of Polish, Spanish and German MEPs within the delegations**

Taking into account the evidence that national priorities or sensibilities matter when dealing with foreign policy in the EP, one may argue that “the deep distrust and highly nationalistic nature” for which member states have recurrently been criticized by the EP,<sup>16</sup> is also replicated in the activities of

<sup>16</sup> European Parliament, *Report on progress and implementing the Common Foreign and Security Policy 1995*, A4-0175/96, 30 May 1996.

MEPs when dealing with foreign policy issues. On the basis of this perspective, a zero-sum game attitude should be expected from MEPs of different countries as they rival each other and coordinate themselves to introduce their own priorities for the benefit of their own country. However, a more nuanced analysis would indicate that MEPs do not choose specific delegations following a narrow conception of the national interest, but rather base their choices on a broader idea of bringing their expertise and interest in concrete regions to steer the EP and other EU institutions in the direction of what they consider important for European foreign policy as a whole.

*Attitudes and performance of Polish MEPs.* The task of Poland's MEPs is the most difficult to assess, given its very recent accession to the EU. However, the events in Ukraine during the presidential elections of 2004 have afforded Polish MEPs the opportunity to make a very active use of delegations and to reveal their priorities and expectations about EP mechanisms, and EU foreign policy in general, more assertively.

As stated by a Polish MEP, the reason for Poles to be involved in the delegations of Russia, Ukraine and Belarus is that relations with these countries are a matter of "vital Polish interest". Polish elites have always been keen to criticise the EU for its inaction and the reactive policy towards this region and for having "a 'Russia first' policy with possible harmful consequences for Polish security interests" (Natorski 2004: 17). In the words of a Polish MEP, "we –as other new countries' MEPs– have a special experience on Russian imperial policies in the region and it should be transferred to European politics". Others criticise the EU for failing to grasp what is really at stake in the transition processes of post-Soviet republics and its ignorance about countries as near to its own territory as Ukraine. As put by the MEP and former Defence Minister of Poland, Janusz Onyszkiewicz, regarding Ukraine, "most deputies in the European Parliament treat Ukraine as if it were some sort of Zanzibar in Eastern Europe".<sup>17</sup> Therefore, long time before its entrance to the EU, all Polish political parties had stated that their aim would be to "revamp the EU's Eastern policy by giving it more muscle (...), shape EU policy towards Russia, Ukraine and other ex-Soviet republics, and contribute its own vast experience in the field to provide its Eastern

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<sup>17</sup> "Polish Parliamentarians lobby for Ukraine in EP," *Unian*, 15 October 2004.

partners with a good example of successful transition” (Trzaskowski 2002: 24).

This desire to strengthen the EU’s foreign policy and put its own experience in transition processes at its service was clearly shown during the Ukrainian crisis, in which Polish MEPs played a crucial role by mobilising all pertinent EP instruments, including delegations. This (hyper)activity is explained below in some detail, because, as one member of the EP Secretariat stated, “the work of delegations during the Ukrainian crisis is an exemplary case of how EP delegations ought to function”.

As soon as the electoral campaign for the presidential elections in Ukraine began, Polish MEPs started to lobby in the EP, insisting on the fact that the Parliament should start preparing its reaction in case elections did not develop according to democratic rules. An *ad hoc* delegation was set up to monitor the two rounds of the election. This delegation, led by the chairman of the delegation to the EU-Ukraine PCC, the Pole Marek M. Siwiec, was formed by 7 MEPs, four of which were Poles.

After the second round (21 November), the delegation’s MEPs, working as electoral observers, declared, together with other international organizations that monitored the electoral process, that results had been rigged. During the meeting of the AFET committee on 24 and 25 November, which was attended by Javier Solana, Polish MEPs requested to discuss first the Ukrainian crisis during the plenary session of 1 December, to issue a resolution condemning the electoral results and to immediately send another EP delegation. On 1 December, just after the plenary session, a delegation headed by the Polish Vice-president of the EP, Jacek E. Saryusz-Wolski, Marek M. Siwiec and the chairman of the AFET, Elmar Brok, left for Kiev to show the EP’s solidarity with the Ukrainian people and encourage a peaceful solution to the crisis. A ten-member delegation, also led by Jacek E. Saryusz-Wolski, was sent again to monitor the re-run of the second round of the presidential elections, turning into the fourth EP delegation sent to Kiev in less than two months.

The role played by Polish MEPs in particular, and by the new member states in general, in the crisis was publicly acknowledged by many MEPs. For example, the German Green Rebecca Harms stated, in response to a speech by Bronislaw Geremek, “I am proud of you. Thank God that there are here some new member states that have performed a well-organized policy towards

Ukraine”.<sup>18</sup> The members of the Secretariat that were interviewed for this research clearly acknowledged the contribution made by new member states, which invigorated the delegations related to Eastern Europe. On their part, Polish MEPs also expressed their satisfaction with the role the EP and the delegations, turned into true platforms for action, played in the Ukrainian crisis.

Quite the opposite, the opinions of Polish MEPs on the delegation for relations with Belarus were more about “frustration.” Since there is no contact with Belarusian official representatives, the EP delegation has no counterpart. Indeed, as stated by one Polish MEP, this irrelevance was manifested in the fact that there was scant competition between MEPs to be appointed as members in the delegation for relations with Belarus. The 6 Poles of this delegation of 14 MEPs are playing a great part in reinvigorating this delegation, with the objective of promoting civil society in Belarus and trying to attract more attention from the EU for that country. The future presidential elections are thought to be, however, the beginning of a new era of opportunities to achieve some democratic progress in Belarus.

The analysis of the role of Polish MEPs within the IPDs shows that they have a striking degree of coordination among themselves, even higher than the coordination with their respective Political Groups. The information obtained through interviews and questionnaires reveals that, when dealing with the issues of delegations, in most cases Polish MEPs consider that the coordination with other Polish MEPs from other Political Groups (and in 3 cases also the government and national diplomatic services) is at least as important as the coordination within their own Political Group. This pattern was the one followed during the Ukrainian crisis, when various informal meetings took place among Polish MEPs in order to coordinate their performance and organize the task of lobbying in their respective groups.

On what lies behind this significant national coordination, one may argue that there are two main reasons. First, given their newness to the EP relative to other MEPs, it is just natural that Polish MEPs tend more to act together to consolidate their position in the EP and organise the lobbying for important posts and rapporteurships, since national representation is a basic criteria when making the appointments in the EP. And, second, the relative small size of national Polish delegations within the main Political Groups may

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<sup>18</sup> *Agence Europe*, Friday 3 December 2004.

also have made Polish MEPs more prone to coordinate lobbying strategies with Polish national delegations of other PG for those issues considered a matter of Poland's 'national interest'. Indeed, due to the idiosyncrasy of the Polish political scene, only 33 from the 54 Polish MEPs are members of the main Political Groups (19 in the Group of the European People's Party, 10 in the Socialist Group and 4 in the Alliance of Liberals and Democrats for Europe.) Polish national delegations are then much smaller than those of other middle-sized countries such as Spain, which also has 54 MEPs (24 in the EP and 24 in the Socialists); or even in comparison to the size of smaller member states' delegations (for example, the 24 MEPs of Hungary are divided in 13 in the EPP and 9 among the Socialists).<sup>19</sup>

*Attitudes and performance of Spanish MEPs.* For Spanish MEPs, ascribing themselves to the delegations of Latin America and the Mediterranean is seen as something natural, given Spain's proximity to these regions, whether such proximity is geopolitical, as is the case of the Mediterranean, or cultural, as is the case of Latin America. Therefore, the main reasons behind the election of those delegations were, as in the case of Poland, a mix between a personal sense of "brotherhood" and the fact that these are national priority areas. Likewise, the feeling that the EU is increasingly neglecting these regions played an important role. All Spanish MEPs interviewed for this study mentioned this last reason, and, consequently, it is not hard to conclude that one of the main tasks of Spanish MEPs within their delegations is to try to prioritise both the Mediterranean and Latin America in the EU's agenda.

This concern about the increasing marginalisation of Spanish foreign policy priorities has remained a constant since the times of the European Political Cooperation, when "the 'Twelve's orientation towards Eastern Europe after the fall of the Berlin Wall generated a 'periphery syndrome' in Spain" (Barbé and Vasconcelos 1996: 260). From then on, Spain sought to define its priorities more clearly within the EPC, and later the CFSP, and tried to defend them by all means. The EU's Eastern enlargement has further reinforced the perception that it is increasingly harder to promote Mediterranean and Latin American policies within the EU. Regarding the Mediterranean and the new EU Neighbourhood Policy's impact on it, one Spanish MEP said that "there is a compelling need to attract attention to the

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<sup>19</sup> I thank Dr. Rafal Trzaskowski, to whom I owe this remark on the atypical small size of Polish national delegations.

Mediterranean countries” and considered the Neighbourhood Policy as a mixed blessing, since “on the one hand, it implies a new reinforcement of EU relations with its neighbours and, thus, a renewed impulse for Europe’s Mediterranean policy,” but, on the other, “the label is very important for its symbolic connotations and, therefore, the ‘Neighbourhood Policy’ risks diluting the current Mediterranean policy.”

In the case of Latin America, the perception was all the more clear. As a Spanish MEP put it, after the Eastern enlargement “Latin America is now a remote concern for the EU,” in contrast with the years when Manuel Marín and Abel Matutes were European Commissioners. Another Spanish MEP stated, in the same line, that “the attention given to this area has dramatically decreased” and claimed that renewed policies are crucial, because there are still severe problems in Latin America, despite the resolution of most of the bloody conflicts that affected the region during the 1980s.

Spanish MEPs have had a high profile in the work of the delegations of both the Mediterranean and Latin America, setting out initiatives and playing a relevant and visible role during inter-parliamentary meetings and in *ad hoc* delegations. Indeed, from the outset, they have tried to promote the establishment of bi-regional relations between the EU and both areas, furthering a parliamentary dimension in them. This is the case of the Mediterranean. Spanish MEPs were staunch promoters of the Euro-Mediterranean Parliamentary Forum, first, and, later, of the Euro-Mediterranean Parliamentary Assesmbly. Some Spanish MEPs have also been trying to promote a similar bi-regional parliamentary assembly between Latin America and the EU, by replacing the system of parliamentary conferences with an EU-Latin American Transatlantic Assembly. This is only one of the proposals behind the idea of building up a new association with Latin America. Other proposals in this direction have been the creation of a Latin American Charter of Peace and Security, a European-style Free Trade Area of the Americas or a bi-regional solidarity fund.<sup>20</sup> Due to this regional conception of relations with Latin America, there is some disillusion with the recent split of the former two IPDs with Latin American countries into five. According to

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<sup>20</sup> Speech by José Ignacio Salafranca Sánchez-Neyra, Debate of the Plenary of the European Parliament, 30 March 2004. The idea of building an EU-Latin America bi-regional strategic partnership is further developed in the own-initiative European Parliament report *Towards comprehensive association and a common strategy for relations between the European Union and Latin America*, A5-0336/2001.



one Spanish MEP, “although it is fair that countries with different degree of relations with the EU also have a differentiated parliamentary framework, this might mean dispersion and duplication, and might decrease the visibility of the region”.

Spanish MEPs generally provide a very positive evaluation of the work done through the delegations as “an intense task of parliamentary diplomacy”. In their view, delegations have reacted rapidly when facing political crises or natural catastrophes. It has been relatively easy to regularly assemble delegations to monitor elections; delegation chairmen have been able to participate in ministerial conferences, as those of the Proceso de San José or Grupo de Río, or business encounters as the EU-Mercosur business forum; or to meet with top officials of these countries, as was the case of the meeting between the Spanish Partido Popular’s MEPs with Fidel Castro in La Habana, and with various representatives of civil society.<sup>21</sup> Some MEPs noted that, in their view, the visits of EP delegations received an important coverage by the media in these countries and that, in fact, they perceived that there is a “great demand for Europe” both in the Mediterranean countries and Latin America.

In conclusion, Spanish MEPs basically have a national perspective when dealing with external relations issues in the EP, and, just like the Polish MEPs, they consider they are playing a special role and being advocates of some regions, independently of their political group. However, there seems some signs of politicisation are appearing among of Spanish MEPs’ views on both the Mediterranean and Latin America. The recent split between the Spanish Socialists and the Populares on the issue of Cuba is an example of the way in which the traditional consensus behind Spain’s foreign policy and its priority areas is gradually eroding.

*Attitudes and performance of German MEPs.* Assessing the German profile within the delegations is difficult since, as stated above, they do not establish special priorities in regional terms. During the 1990s, the top priority of German foreign policy was to create a peaceful and stable environment in Central and Eastern Europe, by means of the EU’s enlargement, and by promoting regional integration and the *Einbindung* (linkage) of Russia and Ukraine to Western institutions. It is obvious that Germany continues to be much more interested in the EU’s Eastern dimension than in the Mediterranean or Latin

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<sup>21</sup> “Eurodiputados del PP viajan a Cuba para impulsar la ayuda a la isla”, *El País*, 21 February 1998.

America, but now that Germany has ceased to be a *Frontstaat*, its policy interests are more focused on horizontal domains, such as human rights or conflict prevention, where the country has an important international profile.

This lack of narrowly defined national priorities is reflected in the German MEPs' explanation of the reasons behind their appointment to a particular delegation. For many of them, it was their personal interest in the countries targeted by the delegation (professional expertise, language proficiency, personal links with the country/region, and others), while many more argued that their Political Group decided their appointment. But practically none of them argued, as Polish or Spanish MEPs did, that their choice was due to the importance of the region in national terms. As expressed by a German MEP, a certain division of tasks between MEPs of different countries is allowed and even welcomed. One German MEP declared that it was obvious that "Latin America, for example, is a domain for Spanish MEPs; Eastern European countries are now mainly for new member states' MEPs," and in the case of German MEPs, he argued that it is also natural that a significant part of them were appointed to delegations for relations with Asian countries, in which the commercial issues are salient in the agenda. Nonetheless, apart from the general interest in trade and the commitment to human rights, the German MEPs interviewed for this study did not identify a specific regional or horizontal domain to be considered as specifically "German."

The pattern of German MEPs' performance within delegations also shows the same lack of a nationally defined point of reference. Interviews and questionnaires from German MEPs show that, in the vast majority of cases, the most important channel of coordination is their European Political Group or national delegation within the Group, but they do not attempt to coordinate with German MEPs of other Political Groups, nor with the Government or other national officials.

The absence of a precise definition of what German national interests are does not mean that the German MEPs' profile within delegations and in foreign policy issues in general is low or that national alliances do not matter. It is quite the opposite. German MEPs have normally thought to be very active in this domain and particularly keen to upgrade the EP's role in external relations, a political aim that has been always shared among the main German political forces. In this regard, Elmar Brok, who heads the AFET Committee since 1999 and whose leadership is undisputed, has been one of the main

promoters of turning the EP into an effective international actor, drafting proposals and demands for a real control on foreign policy, for extending EP budgetary powers in this domain, and for a good access to information from the Commission and, especially, the Council.

Indeed, the means for channelling German interests are much more diverse and indirect than those at the disposal of Spanish and Polish officials. As stated by Peter Katzenstein (1997), Germany in the EU has mainly an “indirect institutional power,” that is power in shaping the rules of the game, which in turn gives Germany a great deal of leverage in the EU system and in agenda-setting.<sup>22</sup> This way of exercising power comes precisely from Germany’s post-Second World War embeddedness in international and European institutions and its wide reluctance to undertake unilateral actions and to use hard means of power as a reaction. Some authors have alluded to a distinctive national or state identity (Banchoff 1999; Katzenstein 1997); others, more specifically to political culture (Duffield 1998, 1999), but the weight of historical experiences is always placed on the basis of Germany’s stance in favour of further integration of European foreign policy and of reinforcing supranational institutions, especially the EP. Since its reunification, some scholars and analysts have argued that Germany’s European identity may be changing towards a more assertive, pragmatic and self-conscious one (the so-called ‘normalisation’ hypothesis) but, nonetheless, Germany continues to maintain an integrationist stance and continues to show some reluctance to plainly speak about national interest in the foreign policy domain. There is, indeed, a wide consensus among German political parties and society in general that the EP’s powers in foreign policy should be increased if EU foreign policy is to continue advancing, a stance that is miles away from other big, old EU member states as France or Great Britain.<sup>23</sup>

Within the European Parliament, Germany’s institutional power is reinforced by the fact that the length of work of the majority of German MEPs clearly exceeds that of the MEPs of other old EU member states (approximately two thirds of the 99 German MEPs are now at least in their third parliamentary term). This makes German MEPs accumulate a great deal of expertise in concrete domains, but also regarding the way institutions work.

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<sup>22</sup> See also Bulmer, Jeffery and Paterson (2000).

<sup>23</sup> For comparisons between Germany’s approach to European foreign policy with that of other EU member states, see Wagner (2001) and Marcussen *et al.* (1999); Joerißen and Stahl (2003).

But, obviously, a main source of the institutional power of German MEPs is their large number and the big size of their national delegations within the Groups, especially within the European People's Party, the biggest party of the Eurochamber (the German delegation in the EPP Group is by far the largest one –it nearly doubles the second largest one–; the third largest one within the Socialists; and the largest, by far, within the Greens). All these elements considered together provide an explanation of the lesser need of German MEPs to maintain a high national coordination and of their wider reliance on the Political Groups as the main organizational units, even in foreign policy issues.

This analysis shows that Polish and Spanish MEPs have an important national point of reference when choosing delegation, and their special interests are clearly acknowledged and even welcomed by MEPs of other nationalities. More to the point, national coordination in the work of delegations is much more important in the case of Polish MEPs and, to a lesser extent, in the case of Spanish MEPs, while there is little evidence of such coordination in the case of Germany, for which national political parties and national political groups are the main references.

Picking up the thread of the question posed at the beginning of this section, it seems that even if MEPs have a clear perception of what the national priorities of their own countries are, generally their actions within delegations does not respond to an egoistic national rationale, but to a more sophisticated idea of pushing the EU to act with a higher profile in certain areas, in the benefit not only of one country but of the EU as a whole (or at least what is their view on how the EU should act in the world stage), as well as third countries' people.

## **Conclusion**

The overview of the functions of IPDs presented in the first part of this chapter leads to the conclusion that delegations not only comply with traditional functions of conventional diplomacy (informative, representative and negotiating-organizational), but they also play a more sophisticated role by indirectly facilitating parliamentary control on other institutions working in foreign policy. Compared to the parliamentary diplomacy developed by

national parliaments and by other parliamentary bodies, the EP's diplomacy is more refined, both in terms of its wider scope (IPDs cover nearly all regions of the world) and in terms of continuity of parliamentary contacts. The overall assessment is that delegations are instruments with an important potential to enhance the EP's role in foreign policy and external relations.

However, delegations are sometimes underused or even misused when MEPs' participation is low or when expenses are not rationalised. Some general orientations to improve the work of delegations can be pointed out: increasing efficiency of delegations is not a matter of setting up more delegations, celebrating more meetings or allocating more resources to them, but about rationalising their work and the funds made available to them. Inter-parliamentary meetings, for example, may not need a long catalogue of declarations, but, instead, to put more effort on making concrete, realizable proposals. Regarding the aims of delegations, while it is true that *ad hoc* delegations normally score very good results, some delegations suffer from "short-termism." That is why more emphasis should be put on planning long-term strategies and, ideally, granting greater continuity of MEPs in some delegations to accumulate some expertise. Besides, more room of manoeuvre should be left for delegations. For example, the Council should accept the inclusion of MEPs in EU delegations during international negotiations held at the ministerial level. From now on, the relationship between the EP's delegations and the future external service of the EU should be studied and new possibilities of interconnection and better coordination thought out.

Concerning the *enjeux* between national perspectives of MEPs and their work within delegations, it is clear that strong national sensibilities predominate at least in the case of Polish and Spanish MEPs. Their aim is to put the Eastern dimension and the Mediterranean and Latin America, respectively, at the top of the EU agenda. Delegations are just one more instrument to upgrade national priorities and sensibilities in the agenda of the EP and the EU. This process of trying to promote specific foreign policy priorities through the lens of the EU constitutes one of the many facets of the many-sided and multidirectional process of "Europeanisation", in this case, from below. This Europeanisation of MEPs' views does not mean that there is no concurrence between different national sensibilities, even to the point of a zero-sum game. As previously said, some Spanish MEPs are clearly aware of the impact enlargement has had in somehow reducing their room of manoeuvre, while Polish MEPs are determined to maintain the Eastern

dimension as a top priority in the EP's and the EU's agenda. As in the framework of the Council, foreign policy in the EP is about Eastern and Southern caucuses competing for the centre's attention (Rummel 1996: 62). But unlike the Council, where an excessive concern for national priorities may be paralysing, in the case of the EP, the jostling between different sensibilities never goes in detriment of European foreign policy. Far from it, this plurality is precisely what pushes the European foreign policy machinery to go further.

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- Fernández Fernández, José Javier:** Principal Administrator of the Committee on Foreign Affairs. 3 January 2005, Brussels.
- Fernández Martín, Fernando:** MEP, Spain, Group of the European People's Party. Member of the Committee on Development. Vice-Chairman of the Delegation for relations with the countries of the Andean Community. Substitute in the Delegation to the ACP-EU Joint Parliamentary Assembly, Substitute. 1 January 2005, Brussels.
- Jarzembowski, Georg:** MEP, Germany, Group of the European People's Party. Chairman of the Delegation for relations with Japan. Substitute in the Delegation for relations with the Korean Peninsula. 2 January 2005, Brussels.
- Joan i Marí, Bernat:** MEP, Spain, Group of the Greens/European Free Alliance. Vice-chairman of the ACP-EU Joint Parliamentary Assembly. Substitute in the Delegation for relations with the Maghreb countries and the Arab Maghreb Union (including Libya). 11 February 2005, Barcelona.
- Martínez, Miguel Ángel:** MEP, Spain, Socialist Group in the European Parliament. Member of the Committee on Development. Vice-chairman of the Delegation to the ACP-EU Joint Parliamentary

Assembly. Substitute in the Delegation to the EU-Romania Joint Parliamentary Committee. 31 December 2004, Brussels.

**Obiols i Germà, Raimón:** MEP, Spain, Socialist Group in the European Parliament. Member of the Committee on Foreign Affairs and of the Subcommittee of Human Rights. Chairman of the Delegation for relations with the countries of Central America, Member of the Delegation to the Euro-Mediterranean Parliamentary Assembly. Substitute to the Delegation for relations with the Maghreb countries and the Arab Maghreb Union (including Libya). 2 January 2005, Brussels.

**Onyszkiewicz, Janusz:** MEP, Poland, Group of the Alliance of Liberals and Democrats for Europe. Vice-President of the European Parliament. Member of the Committee on Foreign Affairs. Member in the Delegation for relations with Belarus. Substitute in the Delegation to the EU-Armenia, EU-Azerbaijan and EU-Georgia Parliamentary Cooperation Committees. 2 January 2005, Brussels.

**Pfitzner, Stefan:** Head of the Unit of the Direction B: Interparliamentary Delegations, European Countries. 2 January 2005, Brussels.

**Romeva, Raül:** MEP, Spain, Group of the Greens/European Free Alliance. Member of the Committee on Foreign Affairs. Vice-Chairman of the Delegation for relations with the countries of Central America. Substitute in the Delegation to the EU-Chile Joint Parliamentary Committee. Substitute in the Delegation to the Euro-Mediterranean Parliamentary Assembly. 21 December 2004, Barcelona.

**Salafranca Sánchez-Neyra, José Ignacio:** MEP, Spain, Group of the European People's Party. Member of the Committee on Foreign Affairs. Vice-Chairman of the Delegation for relations with Mercosur. Substitute in the Delegation to the EU-Mexico Joint Parliamentary Committee. Substitute in the Delegation for relations with the NATO Parliamentary Assembly. Substitute in the Delegation for relations with the countries of Central America. Substitute in the Delegation for relations with the countries of the Andean Community. 3 January 2005, Brussels.

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**Buzek, Jerzy:** MEP, Poland, Group of the European People's Party. Member of the EU-Ukraine Parliamentary Cooperation Committee.

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\* Six additional questionnaires were answered by MEPs who chose not to appear as interviewees.



- Czarnecki, Ryszard:** MEP, Poland, non-attached, Member of the delegation for relations with South-East Europe.
- Gahler, Michael:** MEP, Germany, Group of the European People's Party. Vice-chairman of EU-ACP Joint Parliamentary Assembly.
- Gebhardt, Evelyne:** MEP, Germany, Socialist Group in the European Parliament. Member of the Delegation for relations with the People's Republic of China.
- Geremek, Bronisław:** MEP, Poland, Group of the Alliance of Liberals and Democrats for Europe. Member of the EU-Russia Parliamentary Cooperation Committee.
- Handzlik, Małgorzata:** MEP, Poland, Group of the European People's Party. Member of the delegation for relations with Mercosur.
- Koch, Dieter-Lebrecht:** MEP, Germany, Group of the European People's Party. Member of the EU-Former Yugoslav Republic of Macedonia Joint Parliamentary Committee.
- Sommer, Renate:** MEP, Germany, Group of the European People's Party. Vice-chairwoman of EU-Turkey Joint Parliamentary Committee.
- Szymaski, Konrad:** MEP, Poland, Union for Europe of the Nations Group, Member of the Delegation for relations with Belarus.

## Annex 1: Composition of Inter-parliamentary Delegations (Europe)

	Joint Parliamentary Committees (JPCs)						Parliamentary Cooperation Committees (PCCs)				Interparliamentary Delegations	
	Bulgaria	Croatia	EEA/SIN	FYROM	Romania	Turkey	Armenia, Azerbaijan and Georgia	Moldova	Russia	Ukraine	Albania, Bosnia-Herzegovina, Serbia and Montenegro	Belarus
<b>Austria</b>	1	-	1	-	(1)	1 (2)	1	-	1	(1)	1	-
<b>Belgium</b>	1 (1)	-	1	-	-	1 (1)	2	-	2	1	-	-
<b>Cyprus</b>	- (1)	-	-	-	(1)	2 (1)	1	-	-	-	(1)	-
<b>Czech Republic</b>	- (1)	1 (1)	1	-	1	- (1)	-	1	3 (1)	1	1	1
<b>Denmark</b>	-	-	1	-	1	1 (1)	-	-	1	-	1	- (1)
<b>Estonia</b>	-	-	-	-	-	-	1	1	1 (1)	-	-	-
<b>Finland</b>	2	-	-	-	(1)	- (1)	-	(1)	3 (3)	-	-	-
<b>France</b>	2 (2)	-	-	-	4 (1)	2 (2)	1	-	3 (1)	-	-	1 (1)
<b>Germany</b>	4 (2)	3 (3)	3 (3)	2 (3)	3 (2)	5 (4)	1 (3)	2 (2)	2 (5)	3 (4)	3 (4)	2 (1)
<b>Greece</b>	4	- (1)	1	3 (1)	2	2	2	-	1 (1)	- (1)	2	-
<b>Hungary</b>	- (1)	2 (1)	2 (1)	3	2 (4)	1 (1)	-	-	2 (1)	2	1 (1)	-
<b>Ireland</b>	-	-	1	-	1	-	(1)	-	-	-	-	-
<b>Italy</b>	1	2 (2)	- (3)	2	5 (4)	- (4)	1	1 (1)	2 (2)	-	2 (2)	- (1)
<b>Latvia</b>	-	- (1)	-	-	-	-	1 (1)	-	1 (2)	1 (1)	-	1
<b>Lithuania</b>	- (1)	-	1 (1)	1 (1)	- (1)	-	1	1	1 (2)	1 (1)	-	2 (1)
<b>Luxembourg</b>	-	-	-	-	-	-	1	-	-	-	-	-
<b>Malta</b>	1	- (1)	-	-	-	- (1)	-	-	-	-	(1)	1
<b>Poland</b>	2 (2)	2 (1)	1	-	1 (1)	1 (1)	1 (1)	1 (1)	5	4 (1)	2	6 (1)
<b>Portugal</b>	-	-	-	-	- (1)	1 (1)	-	-	1 (1)	-	-	-
<b>Slovakia</b>	-	1	- (1)	-	1	-	1	-	- (1)	1	-	- (1)
<b>Slovenia</b>	-	1 (1)	-	2	-	-	-	1	- (1)	-	-	-
<b>Spain</b>	2	-	- (1)	1	- (1)	1 (3)	1	-	1	-	1 (2)	-
<b>Sweden</b>	1	1 (1)	1 (1)	-	-	2 (3)	-	1	- (1)	- (2)	-	1 (1)
<b>The Netherlands</b>	2	1	- (1)	-	2 (1)	2 (3)	1	1	1 (1)	1	- (2)	-
<b>United Kingdom</b>	1 (3)	1	3 (3)	1	2 (3)	3 (4)	- (1)	- (1)	- (2)	1 (1)	1 (1)	-
<b>Total</b>	24 (14)	15 (13)	17 (15)	15 (5)	25 (22)	25 (24)	17 (7)	10 (6)	31 (26)	16 (12)	15 (14)	15 (8)

Source: Elaborated by the author from EP's documents.

\*In brackets, the number of substitutes

## Composition of Inter-parliamentary Delegations (Non-Europe)

	JPCs		PCCs	Inter-parliamentary Delegations																
	Chile	Mexico	Central Asia	Israel	Palestinian Legislative Council	Maghreb countries	Mashreq countries	Gulf states	United States	Canada	Central America	Andean Community	Mercosur	Japan	China	South Asia and the SAARC	South-east Asia and the ASEAN	Korean Peninsula	Australia and New Zealand	South Africa
<b>Austria</b>	1	1	- (1)	1	- (2)	-	- (1)	-	1	1 (1)	- (1)	1	-	1 (1)	- (3)	1	-	1	1 (1)	-
<b>Belgium</b>	-	1	- (2)	1	-	1 (1)	1	-	1 (1)	- (1)	-	- (1)	1 (1)	- (1)	2 (1)	1	1 (1)	-	1	- (1)
<b>Cyprus</b>	- (1)	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
<b>Czech Republic</b>	-	- (1)	2	1	- (1)	-	1	-	1	-	2	1	- (1)	1	2 (1)	1 (1)	-	-	-	- (2)
<b>Denmark</b>	- (1)	-	-	- (1)	1	-	-	-	- (1)	-	- (1)	-	1	-	2 (1)	-	-	-	-	2
<b>Estonia</b>	-	-	-	-	-	-	-	-	1	1	-	-	-	- (1)	-	- (1)	-	1	- (1)	-
<b>Finland</b>	-	-	1 (1)	- (1)	-	-	-	1	1 (1)	1	- (1)	-	-	2	1	- (1)	-	-	1	-
<b>France</b>	1 (2)	2 (1)	1 (2)	3 (3)	4 (1)	5 (2)	3 (1)	6	3 (4)	1 (1)	1 (4)	1 (2)	2 (3)	2 (3)	2 (1)	1 (2)	2 (2)	2 (1)	1	3
<b>Germany</b>	4 (2)	3 (1)	2 (3)	2 (2)	2 (2)	2 (1)	1 (2)	2 (1)	4 (3)	1 (2)	2 (3)	3 (2)	2 (4)	5 (3)	5 (4)	3 (3)	3 (4)	2 (5)	4 (2)	1 (4)
<b>Greece</b>	-	1	-	- (1)	- (2)	- (1)	1	-	1	-	-	- (1)	1 (1)	-	3	-	1	-	-	-
<b>Hungary</b>	1	- (1)	1	- (1)	-	-	1	-	- (1)	1	-	-	1 (1)	1 (2)	- (1)	1	1	1	- (1)	1
<b>Ireland</b>	-	-	-	-	1	- (1)	-	1	3 (1)	3	-	-	-	- (1)	- (2)	1	- (1)	-	- (1)	- (1)
<b>Italy</b>	4	2 (2)	3 (3)	2 (2)	3 (2)	3 (6)	7 (3)	2 (4)	5 (4)	1 (3)	4	2 (1)	4 (4)	1 (3)	3 (4)	1 (1)	2 (1)	2	1 (1)	1
<b>Latvia</b>	-	-	- (1)	-	-	1	-	-	- (1)	-	-	-	-	- (1)	1	-	-	-	- (1)	1
<b>Lithuania</b>	-	-	1 (1)	-	-	-	-	-	-	- (2)	1	2	-	1	-	- (1)	1	- (1)	-	-
<b>Luxembourg</b>	-	-	-	-	-	- (1)	-	- (1)	- (1)	-	- (1)	-	1	-	1 (1)	1	- (1)	-	-	-
<b>Malta</b>	-	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	1	- (1)	-
<b>Poland</b>	- (1)	- (1)	2 (1)	2 (1)	-	1	-	-	2 (2)	1 (1)	- (1)	1 (1)	2 (1)	2 (2)	3	3 (1)	1	- (1)	2 (1)	1
<b>Portugal</b>	1 (1)	- (1)	1	-	- (2)	2	2	1	1 (1)	1	2 (3)	- (1)	3 (4)	-	- (1)	1	- (1)	-	- (1)	1
<b>Slovakia</b>	-	-	-	2 (1)	-	- (1)	-	1	- (1)	-	1	-	1	- (1)	-	-	-	-	1 (1)	-
<b>Slovenia</b>	-	-	-	-	-	-	-	-	1	- (1)	-	-	- (1)	-	-	-	1 (1)	- (1)	-	1
<b>Spain</b>	2 (4)	2 (5)	- (1)	3	1 (1)	3 (3)	1 (1)	- (1)	2 (2)	1 (1)	7 (3)	4 (4)	4 (3)	3 (1)	2 (3)	- (3)	2 (1)	-	1	- (1)
<b>Sweden</b>	-	-	-	1 (1)	1	-	-	-	- (3)	-	-	-	1	1	-	-	1 (1)	-	1	-
<b>The Netherlands</b>	- (1)	-	2	2 (1)	-	1	1	1 (1)	1 (2)	-	- (1)	2	-	1	3 (3)	1	2 (1)	- (1)	1	- (1)
<b>United Kingdom</b>	1 (1)	1	1 (1)	- (2)	4 (1)	- (1)	1 (1)	1 (4)	6 (2)	3 (3)	2 (1)	- (2)	1	3 (3)	2 (5)	6 (5)	1 (2)	3 (1)	5 (5)	2 (3)
<b>Total</b>	15 (14)	13 (13)	17 (17)	21 (15)	19 (14)	20 (18)	20 (9)	17 (12)	34 (31)	16 (16)	22 (20)	17 (15)	25 (24)	24 (23)	32 (31)	22 (19)	19 (17)	13 (11)	20 (17)	14 (13)

Source: Elaborated by the author from EP's documents.

\*In brackets, the number of substitutes

## CHAPTER 6

### **The European Parliament: An autonomous foreign policy identity?**

Flavia Zanon

#### **Introduction**

Although it has acquired a significant role in several areas of the European Union (EU) over the years, the European Parliament still plays a rather marginal one with respect to the EU's external relations. It has only limited powers as regards Community external policies (mainly the powers of assent on international treaties and the budgetary power) and a mainly consultative role under the EU's second pillar (the EU Common Foreign and Security Policy).

In spite of these limits, the European Parliament (EP) has often adopted autonomous foreign policy stances and has on several occasions even entered into opposition with the Council. Therefore, while constrained by a lack of adequate power, the EP has developed an autonomous foreign policy, aimed mainly at promoting European values around the world.

This paper considers first the stances taken by the European Parliament on Union relations with third countries, namely Turkey and Taiwan. It is worth noting, in this respect, that the concept of foreign policy used here is not restricted to the Common Foreign and Security Policy (CFSP), but includes the Union's external activities under all its pillars.

The two case studies provide the basis for some reflections on the principles inspiring the EP's foreign policy stances. Nevertheless, given the

limited range of policies examined, the analysis does not mean to be exhaustive in any way and aims only at providing some tentative conclusions on the nature of the EP's foreign policy.

Finally, considerations are put forward on the way the recent enlargement to the countries of central eastern and southern Europe will affect the European Parliament's approach to foreign policy.

## **The European Parliament and the promotion of human rights in Turkey**

The recent agreement to begin accession talks with Turkey is evidence of the common view the European Council and the European Parliament currently share on the EU's relations with Turkey. In the past, however, the two institutions took different stances on Community policy towards this country.

The first divergence between the Council and the EP dates back to the 1980s. Relations between the Community and Turkey were at that time regulated by the Association Agreement they had signed in 1963. Although the Agreement mainly had economic objectives, in the early 1980s the Community also started raising political concerns.<sup>1</sup> This change followed the events that took place in Turkey (in particular, the military coup in 1980) as well as the internal transformation of the Community itself, which progressively started to get involved in political affairs. The new interest in Turkey's political situation was also supported by the European Parliament, which adopted a number of resolutions in this regard.<sup>2</sup>

During the 1980s, the possibility of adding political concerns to the objectives of the Community's external economic relations was gaining support within the EP. While the Council was inclined to reject any automatic link between the Community's economic relations and respect of minimum political conditions (such as respect of fundamental rights and the rule of law), Parliamentarians were critical of this stance and more inclined to promote

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<sup>1</sup> Following the military coup of 1980 the Community decided to freeze its relations with Turkey. The latter were resumed after civilian government was restored in the country.

<sup>2</sup> European Parliament, *Resolution on the Events in Turkey*, 18 September 1980; on *Death Sentence Imposed on 52 Turkish Trade Union Leaders*, 22 January 1982; on *Political Situation in Turkey*, 8 July 1982; on the *Respect for Human Rights in Turkey*, 24 May 1984.

severe political conditionality.<sup>3</sup> The debate over political conditionality, therefore, influenced most EP decisions on Community relations with third countries in the 1980s.

In 1987, the Single European Act provided the EP with the power of assent over international agreements undersigned by the Community with third countries. This provided the European Parliament with a new instrument to express its discontent and make its voice heard within the Community. Following the entry into force of the Act, the European Parliament was called upon for the first time to give its assent to the financial and technical protocols to the agreements signed by the Community with Turkey and seven other countries (Algeria, Cyprus, Egypt, Jordan, Lebanon, Tunisia, Yugoslavia) in December 1987. On that occasion, while approving the protocols relating to agreements with all the other countries, the EP refused to give its assent to the protocols relating to the Association Agreement with Turkey. The Protocols were temporarily referred back to the Committee on External Economic Relations. As can be seen from the debate in the plenary, the decision was not taken on the basis of concerns over the Protocols themselves (Polydorakis, 1986:22), but was rather a symbolic gesture by which the EP expressed its discontent with human rights violations in Turkey. Besides concerns over the general human rights situation, the EP's discontent specifically regarded the controversial imprisonment of two Turkish politicians who had returned to their homeland to participate in the first free elections after the 1980 military coup.

The decision aroused animated debate within the European Parliament. In particular, the use of the power of assent to manifest political concerns over Community external economic relations was questioned. Political groups opposing the decision expressed doubts over linking Parliament's approval to political considerations not concerning the Protocols. The decision to refer the Protocols back to the competent Committee, moreover, was made even more controversial by the approval, on the same day, of the other protocols concerning agreements with countries whose records on human rights were no better than Turkey.

Even if the referral was eventually approved by a majority of votes, it represented a rather temporary solution. The EP's unwillingness to enter into a prolonged conflict with the Council and the doubts expressed over the

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<sup>3</sup> As in the European Parliament, *Resolution for the year 1983/1984 on human rights in the world and Community policy on human rights*, in OJ C 172, 2 July 1984, p. 36.

conditional use of the power of assent eventually prevailed. Asked to vote again on the Protocols, the plenary gave them its assent only a month later.

The event was nevertheless of major importance. For the first time the plenary refused its assent to protocols relating to an external agreement of the Community, manifesting a stance different from the Council on Community external relations (similar cases occurred in 1988 with the Protocols relating to the agreements with Israel and in 1992 with those relating to the agreements with Morocco and Syria).

In the following years, the MEPs continued to adopt reports and resolutions over the human rights situation in Turkey, trying to make the EU governments and Turkish authorities adopt a more proactive stance.<sup>4</sup>

In 1995, however, the European Parliament was given its second opportunity to have a more effective say in EU-Turkey relations, following the signature of a Custom Union Agreement between Turkey and the Community. The treaty predominantly concerned commercial matters, in which the European Parliament had only a consultative role. Nevertheless its clauses also envisaged the creation of a special institutional framework and amendments to domestic acts to be adopted by codecision, thus requiring the EP's assent (according to the new rules established by the Maastricht Treaty).

Given its concerns over human rights violations in Turkey, the European Parliament asked the Council to suspend the negotiation of the Agreement for the first time in December 1994. Among the reasons leading to this, was also the decision by the Turkish government to lift the parliamentary immunity of 13 Kurdish Democratic Party members of the Turkish Parliament (which led to their arrest and became a *cause célèbre* in the EU).<sup>5</sup> Although the Council accepted some of the EP's requests (it introduced a clause on respect of human rights and the rule of law in the text of the Agreement and committed itself to a more proactive attitude in this regard), it did not agree to suspend the talks. In 1995, following the conclusion of negotiations, the European Parliament was asked to examine the final text of the Treaty. In all the plenary debates that took place that year, Parliamentarians continued to consider conclusion of the agreement

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<sup>4</sup> Concerns of the Parliament involved the political solution of the Armenian question (see European Parliament, *Resolution* of 18 June 1987), the problem of Cyprus (European Parliament, *Resolution* of 11 July 1990), and the Kurdish minority.

<sup>5</sup> See William Hale (2000) *Turkish Foreign Policy 1774-2000*, London: Frank Cass, pp. 201 and 236, cited in Dalacoura (2003:17).

premature.<sup>6</sup> Therefore, the EP was exposed to intensive lobbying by the Council and the Commission. On the one hand, the two institutions committed themselves to taking Parliamentarians' concerns into consideration in their future relations with Turkey. On the other, they stressed the economic advantages of the agreement, inviting Parliamentarians to adopt a more realistic approach.

The European Parliament did not modify its position. On the contrary, to make it clearer, it awarded Kurdish MP Leyla Zana the Sakharov Prize for human rights.<sup>7</sup> Eventually, the Turkish authorities agreed to send a positive signal: in July 1995, the Turkish National Assembly approved a constitutional reform called "Package for Democracy". In the same year the Turkish judicial authorities freed a number of political prisoners. These changes were nevertheless cosmetic rather than substantial, given that the most controversial Turkish law –allowing people to be criminally prosecuted for expressing their political opinions (used to imprison the Kurdish MPs)– remained in force (Krauss, 2000:231).

Despite these shortcomings, the MEPs gave their assent to the Agreement on 13 December 1995. On the same day, however, they approved a resolution asking the European Union, its Member States and Turkey "to give their full backing to a continuous and broad dialogue to promote respect for human rights and freedoms" and reminding that the "assent is to be considered as an encouragement to the Turkish Government's commitment to continue the process of democratization and improvement of the human rights situation" in the country.<sup>8</sup> Once the Agreement entered into force, none of the requests formulated by the European Parliament in the resolution were fulfilled.

In the following years, the European Parliament continued to stress the importance of promoting the respect of human rights in Turkey,<sup>9</sup> and the

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<sup>6</sup> MEPs adopted a resolution stating that "the human rights situation in Turkey is too serious to allow the formation of the proposed customs union at present" (European Parliament, *Resolution on the draft agreement on the conclusion of a customs union between the EU and Turkey*, 16 February 1995).

<sup>7</sup> Following her release, Leyla Zana personally collected her award from the European Parliament on 14 October 2004, only a few months before the Parliament gave its political backing to Turkey's entry into the EU (on 15 December 2004).

<sup>8</sup> European Parliament, *Resolution on the human rights situation in Turkey*, 13 December 1995.

<sup>9</sup> See for example European Parliament, *Resolution on Turkey's progress towards accession*, 5 June 2003.



condition has become a core point of EU policy towards this country since it was awarded candidate status in 1999.

The MEPs persistent sensitivity to these issues was also confirmed by the resolution, adopted on December 2004, on the Commission's regular report on Turkey's progress towards accession.<sup>10</sup> While giving political backing to the opening of accession talks with the country, MEPs asked the Union and Turkey to give priority, in the first phase of negotiations, to the full implementation of the political criteria (defined by the Conclusion of the European Council of Copenhagen, 21-22 June 1993). The resolution, moreover, required that all mechanisms envisaged by the Commission to ensure close monitoring and a possible suspension of negotiations be made fully effective.

The two cases examined above (that of 1987 and that of 1995), therefore, show a clear and persistent determination within the European Parliament to link foreign policy choices to political considerations and, in particular, to the promotion of fundamental rights. Even if the EP gave its assent when its requests were not fulfilled, its position was not without consequences. There can be no doubt, in fact, that following Parliament's behaviour, the other EU institutions have become increasingly aware of its power as regards EU external relations.

As for the Union's relations' with Turkey, moreover, one may argue that the MEPs' obstinacy strengthened the EU's position by allowing the Council and the Commission to use it as a reference in their negotiations with the country. It is worth noting, in fact, that despite their divergent positions, the Council and the EP have never entered into real conflict over the respect of fundamental rights in Turkey and have always shared a common concern, while disagreeing on how to achieve it.

### **The European Parliament's pragmatic approach to Taiwan**

Another issue on which the European Parliament has a significantly different position from that of the Commission and the Council, is EU policy towards Taiwan<sup>11</sup>.

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<sup>10</sup> European Parliament, *Resolution on the 2004 regular report and the recommendation of the European Commission on Turkey's progress towards accession*, 15 December 2004.

<sup>11</sup> For a complete analysis of the case see Lan (2004).

Until the end of the 1960s, Taiwan was recognised by the world community as the legitimate representative of the Chinese people living on both sides of the Taiwan Strait. Following the 1971 United Nations decision to attribute China's UN seat to the People's Republic of China (PRC), a large majority of countries established diplomatic relations with the PRC and no longer maintained diplomatic ties with Taiwan. Subsequently, the EU and its Member States adopted the so-called One-China policy,<sup>12</sup> recognising the People's Republic of China as the only legitimate representative of China within the international community.

As a consequence, the EU does not recognise Taiwan as a sovereign state and does not have diplomatic ties with it. The EU does, however, recognise Taiwan as an economic and commercial entity and has solid relations with it in non-political areas (such as economic relations, science, etc). In fact, over the years Taiwan has become an important EU trading partner and is currently the EU's third largest trading partner in Asia. Taiwan's importance is nevertheless minor if compared to that of the People's Republic of China, which is currently the EU's second largest non-European trading partner after the US.

Although not directly opposing the Council's policy towards Taiwan, over the years the European Parliament has developed an independent and more pragmatic approach to this country's peculiar situation.

Since the late 1980s, the EP has encouraged a process of reform in Taiwan. In 1991 some Parliamentarians set up the EP-Taiwan Friendship Group to enhance relations between Taiwan and the European Union. The Group has, in fact, acted as a driving force within the EP and has become the promoter of most reports and resolutions adopted on Taiwan. The EP's interest in the island became more intense following the presidential elections that took place in the country in 1996.<sup>13</sup> Since then, the MEPs have paid increasing attention to the transformation underway on the island. In 2000, when the second presidential elections brought a candidate of the Democratic Progressive Party (DPP) to power, after more than fifty years of the

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<sup>12</sup> The Joint Press Statement of the Fourth EU-China Summit of 5 September 2001 stated that "The EU side reaffirmed that it would continue to adhere to the One-China principle and hoped for a peaceful resolution of the Taiwan question through constructive dialogue."

<sup>13</sup> European Parliament, *Resolution on Taiwan's role in international organizations*, 18 July 1996, welcomed "the fact that the elections in Taiwan were conducted democratically and peacefully".

Nationalist Party (Kuomintang), the European Parliament considered this “proof of Taiwan’s development into a fully fledged democracy”.<sup>14</sup> More recently, Taiwan has been considered “As a model of democracy for the whole of China”.<sup>15</sup> Taiwan’s transformation, therefore, led the European Parliament to be more willing to increase its relations with it and promote a more open approach within the EU.

In the first place, the European Parliament has taken a critical stance towards Beijing’s policies. In 1996 it condemned the military exercises that China conducted in the coastal areas opposite Taiwan while the presidential elections were about to take place on the island. Subsequently, in 2002, it adopted two resolutions deeming “unacceptable” the fact that Beijing reserved the right to use military force in the cross-strait dispute and asking for a peaceful resolution of the question.<sup>16</sup> On this occasion, in particular, the EP affirmed that “The EU’s adherence to the One-China policy is directly linked to its [the People’s Republic of China] commitment to a peaceful resolution,” a stance that appears noticeably different from the cautious comments of the EU Member States and one that could even put into question the EU’s adherence to the One-China policy. The cautious position of the Council and the Commission, on the contrary, was well resumed by External Relations Commissioner Chris Patten, who later said that “The issue of Taiwan’s relations with China can only be resolved by the two sides.”<sup>17</sup>

More recently, a certain divergence between the Council and the Parliament has emerged on the proposal of lifting the EU arms embargo on China. The measure was established by the European Union in 1989, as a response to the events of Tiananmen square. In December 2003, nevertheless, considering the embargo no longer in line with the EU’s relations with China, the European Council gave the Council the mandate to re-examine the embargo with a view to lifting it. Member States supporting the move argued it was necessary to send a positive political signal to China, an increasingly important partner for the Union. The intention to lift the embargo was restated by the 7<sup>th</sup> EU-China Summit of 8 December 2004 and an agreement

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<sup>14</sup> European Parliament, *Resolution on Taiwan*, 13 April 2000.

<sup>15</sup> European Parliament, *Resolution on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP*, 14 April 2005.

<sup>16</sup> European Parliament, *Resolution on the EU strategy towards China*, 11 April 2002; and *Resolution on a strategic Partnership between Europe and Asia*, 5 September 2002.

<sup>17</sup> Interview with the Commissioner Chris Patten, “One China policy can still accommodate EU relations with Taiwan”, *European Voice*, 23 January 2003.

seemed near in January 2005, when the Council of General Affairs and External Relations asked the EU Presidency to finalise the negotiations in this regard by the end of June. But some divergences emerged after the approval of an anti-secession law by the China National People's Congress (on 14 March 2005). The adoption of the law, in fact, brought the proposal to lift the arms embargo under strong criticism both outside and within the Union.<sup>18</sup>

Even if the decision on lifting the embargo has now been postponed, the Council's approach to the matter seemed quite different from that of the EP. The MEPs have, in fact, always opposed abolition of the arms embargo on the grounds of concern over the China's human rights situation and the growing capabilities of the Chinese military vis-à-vis Taiwan.<sup>19</sup>

Besides criticising Beijing's moves, the European Parliament has addressed Taiwan's concerns over the isolation to which it has been condemned by the adoption by much of the world community of the One-China policy. In 1996, for example, the MEPs supported Taiwan's requests for entry into the world's main intergovernmental organisations. They urged the Council and the Member States to support Taiwan's attempt to secure better representation in international fora, including those bodies answerable to the UN General Assembly, whose membership is usually reserved for sovereign states. Moreover, the European Parliament was among the main supporters of Taiwan's membership of the World Trade Organisation<sup>20</sup> and currently supports Taiwan's membership of the World Health Assembly (WHA).<sup>21</sup> Finally, the EP promotes the island's involvement in the Asia-Europe Meeting (ASEM), as MEPs see ASEM as a forum of discussion that could help Taiwan and PRC build a constructive dialogue.

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<sup>18</sup> Beside restating the principle of One-China, the law foresaw the use of "non peaceful means" and other necessary measures in case this principle was threatened by Taiwan secessionists forces.

<sup>19</sup> The MEPs called the Council and the Member States "to maintain the EU embargo on trade in arms with the People's Republic of China and not to weaken the existing national limitations on such arms sales" (European Parliament, *Resolution on the Council's Fifth Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports*, 17 November 2004). The position was reiterated the following spring 2005 (*op. cit.* note 15).

<sup>20</sup> Taiwan joined it in January 2002 as a "Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsù." See for example: European Parliament, *Resolution on the Accession of the separate customs territory of Chinese Taipei (Taiwan), Penghu, Kinmen and Matsu to the WTO*, 25 October 2001.

<sup>21</sup> The Parliament approved two resolutions in this respect: *Resolution on Taiwan*, 14 March 2002 and *Resolution on Taiwan* 15 May 2003, both calling for Taiwan to be granted observer status respectively at the 54<sup>th</sup> and 55<sup>th</sup> annual World Health Assembly.

Last of all, Parliamentarians have called for a strengthening of ties between the EU and Taiwan, repeatedly asking for the creation of a EU representative office in Taipei (in March 2003 the Commission opened a European Economic and Trade Office in Taiwan) and inviting important Taiwanese politicians to take part in their meetings (their invitations have, however, met with the opposition of European Member States which have refused to grant visa permits to Taiwanese politicians<sup>22</sup>).

Hence, the case of Taiwan provides another example of the EP's autonomous foreign policy line. Its divergences with the Council can be attributed to a number of factors. Above all, China's growing importance on the world market and in the international arena should not be underestimated when considering the position of the EU Member States expressed within the Council. This was particularly evident, for example in the debate over the abolition of the arms embargo on China. Although not directly challenging the One-China policy, the European Parliament considers the Council's approach to Taiwan inadequate. In order to address Taiwan's basic concerns, MEPs are in favour of a more pragmatic approach and the enhancement of EU-Taiwan relations on a practical basis. Nevertheless, as in the case of Turkey, the question does not seem to give rise to any serious conflict between the two institutions which would both like to see the question solved peacefully by the two parties.

## **The impact of enlargement**

Following the recent enlargement to eastern, central and southern European countries, the number of seats in the European Parliament rose from 626 to 732 (after the June 2004 elections) – despite a reduction in the size of the delegations of all old members states except Germany and Luxembourg. At the same time, the number of political parties represented in the European Parliament swelled to over 150, with Parliamentarians from the new members states representing 48 different slates and parties.<sup>23</sup>

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<sup>22</sup> On March 2003, the Parliament invited Taiwan's President Chen Shui-bian to participate in an informal meeting. The politician, however, was not granted a visa permit by the Belgium government.

<sup>23</sup> Figures are taken from Francis Jacobs and Edward Best, Ready for the Future? The Impact of Enlargement on the European Parliament, *Eipascopes* 2004/3.

This enlargement, therefore, has caused a dramatic increase in heterogeneity in the EP, bringing in new interests and ideas. This begs the question: what impact will this enlargement have on the body's political identity and how will it affect its foreign policy stances? Although it is too early to verify the effect of enlargement in real terms, predictions can be made on the basis of past experiences, as well as of the foreign policy concerns traditionally expressed by the new members.

Most analyses of voting behaviour in the European Parliament indicate that Parliamentarians are more likely to vote along party lines than along national lines, confirming the growing role of political parties within the EP. Even on the occasion of major international crises such as the Balkan conflicts or the second Iraq war (1990-91), Parliamentarians' voting behaviour was conditioned more by party allegiance than by nationality (Viola, 2000). Indeed, during these crises the EP's weak reaction and inclination to avoid clear positions on delicate questions was due to political divisions between and within political groups. But even on these occasions, the EP appeared united in defence of human and minority rights and in hope of a peaceful resolution of the conflict. At the same time, comparison of the voting behaviour of Parliamentarians of old and new member states (for example, in the case of the enlargement to Sweden, Finland and Austria in 1995, see Noury and Roland, 2003 ), shows that MEPs from new members do not behave in a less disciplined way toward their party groups than other Parliamentarians. Past experience, therefore, leads us to predict that after a period of adjustment Parliamentarians from the new Member States will adapt to the new context and align themselves with the voting behaviour of their political groups.

Yet all comparisons with the past fail to take into consideration the specific economic, cultural and historical backgrounds of the ten new members from central, eastern and southern Europe. These will affect the Union's heterogeneity significantly more than after any previous enlargement and it is reasonable to predict that they will influence the MEPs' activism in various policy fields. For example, as H. Grabbe (2004) points out, the new member states' foreign policies generally have limited geographic horizons concentrated on regional areas. MEPs from the new members can reasonably be expected to generate activism on issues involving these areas - in particular the new neighbouring countries - affecting the parliamentary agenda in this regard. Parliamentarians from Hungary and Slovenia, for example, will bring

to the European Parliament their national public opinions' concerns for the stabilisation process in the Balkans. More in general, the new members' activism will help shape the Union's approach to the countries of Eastern Europe and towards Russia. On January 2005, for example, mainly on initiative of the representatives of the new members, the European Parliament adopted a resolution on the Ukraine elections of December 2004, calling for the country to be given "a clear European perspective, possibly leading to EU membership", in order to encourage its internal reform process. The proposal was however dismissed by both the European Commission and EU Member States.<sup>24</sup>

In addition, the new member states' representatives will bring to the EP the special concerns of their public opinions on matters such as security. The activism they will predictably generate in this regard will enhance the activism already manifested by the MEPs in the past legislature.<sup>25</sup> The pronounced atlanticism of most of the new members and their scepticism about Europe's ability to equip itself with effective military forces and an autonomous defence policy have raised concern in the old member states. Yet, it remains to be seen whether these countries' representatives will oppose or support the European Parliament's traditional pro-integrationist stance as regards Union foreign and defence policy.

Finally, it is likely that their historical backgrounds will lead new Members to promote the values of independence and democracy in strong opposition to totalitarian ideologies. On February 2005, for example, a group of MEPs from central and eastern Europe called for a mooted Europe-wide ban on Nazi symbols to be broadened to cover symbols from other regimes.<sup>26</sup>

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<sup>24</sup> European Parliament, *Resolution on the results of the Ukraine elections*, 13 January 2005.

<sup>25</sup> In the past legislature the House adopted two important reports on ESDP: the Lalumière report, *Developing a common European security and defence policy after Cologne and Helsinki*, 30 November 2000 and the European Parliament's report, *The new European security and defence architecture - priorities and deficiencies*, 10 April 2003 (Rapporteur: Philippe Morillon).

<sup>26</sup> See "Call for all totalitarian symbols to be banned in EU", *Euobserver*, 3 February 2005, <[www.euobserver.com](http://www.euobserver.com)>

## Conclusion: the European Parliament's Own Perspective on Foreign Policy

In order to be exhaustive, an analysis of the principles inspiring and of the identity underlying the EP's foreign policy would imply study of the EP's positions over a broad range of issues. Yet, the two cases described above may provide the basis for a tentative conclusion in this regard.

First of all, with regard to Turkey, the European Parliament displayed great determination in promoting human rights and democracy as one of the fundamental objectives of the EU's external relations. Moreover, by conditioning approval of a trade agreement upon respect of these principles, the EP expressed its concern for the fact that any EU foreign policy addressing the issues of human rights and democracy in third countries would fall short if not given sufficient priority with regard to security-related or economic interests.

In fact, the importance that the EP attaches to promoting these principles with regard to the Community's economic relations is confirmed by the wide range of initiatives it has undertaken over the years. In order to monitor and promptly react to violations in foreign countries, the EP set up an *ad hoc* Subcommittee on human rights (within its Foreign Affairs Committee) that deals specifically with the matter. Since 1983, the Subcommittee is also entrusted with drafting the annual report on the human rights situation all over the world. Through the years, the European Parliament has become a convinced promoter of inserting a human rights clause in all the Community's external agreements.<sup>27</sup> Moreover, also under EP pressure, the Council eventually accepted to apply certain principles of political conditionality to EU external relations with the central and eastern European countries, and later to insert a clause on the respect of human rights in all agreements signed by the Community with third countries.<sup>28</sup>

Following the launch of a European Common Foreign Security Policy by the Maastricht Treaty, Parliamentarians asked that the question of human rights be discussed by the Council in its political dialogue with third countries (China and Iran are among the countries with which the Union currently

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<sup>27</sup>See for example European Parliament, *Resolution on the situation of human rights in the world, 1991-1992*, 12 March 1993.

<sup>28</sup>Council Decision 29 May 1995, *EU Bulletin*, no. 5, 1995. For a more complete review of the use of political conditionality within the Union, see K. E. Smith (1997).



holds political dialogues on human rights). In the case of Taiwan, in addition, the European Parliament has shown its willingness to speak in favour of an inclusive international community, based on the rejection of the use of violence and the peaceful resolution of controversies.<sup>29</sup>

Therefore, the identity of the European Parliament that seems to emerge is one that is less concerned with the utility of foreign policy for the Member States and more attentive to promoting the values specific to the European Union. In other words, according to Nicole Fontaine, the European Parliament seems to have attributed itself the function of delivering the European message in conflicting global and regional affairs.<sup>30</sup>

The divergence between the positions of the EP and the Council can be ascribed to various factors. First, the differences in the two bodies' composition: while Council foreign policy tends to reflect the sensitivities of Heads of States and Governments to economic and commercial matters, such *Realpolitik* concerns are of less interest for the representatives of the European peoples sitting in the European Parliament. At the European level, the divergence between the two institutions is also favoured by the structural absence of a parliamentary majority linked by loyalty to a government. This, for example, plays a fundamental role in making the Members of the European Parliament less reluctant than their national colleagues to undermine the body that negotiates an international agreement (in the national systems usually the executive) by rejecting it.

Second, the European Parliament does not act as a homogeneous entity and needs to reconcile the different opinions of national delegations and political groups before it can express a common position. As some studies on European foreign policy have pointed out, the European Parliament's inability to take a clear stance on past international crises is also due to its poor internal cohesion (Viola, 2000). The promotion of human rights and the rule of law, on the contrary, is a matter on which the body can easily build an internal consensus and show significant cohesion, enhancing its chances of playing a more effective role within the Union (Di Paola, 2003). Moreover, promotion of these values generally meets public opinion's concerns and allows the body to mobilise media attention, reinforcing the possibility of making its voice

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<sup>29</sup> In this sense, also of interest are the conclusions of P. Bender (2002) on the position of Parliament as regards WTO.

<sup>30</sup> N. Fontaine (2002) *Mes combats à la Présidence du Parlement Européen*, Paris: Plon, pp. 149-165, quoted in Lan (2004: 115).

heard. This was the case, in fact, of the controversial cases behind the EP's refusal to give its assent to the agreements with Turkey.

Although it voiced its concerns in the two cases mentioned, the European Parliament has proved reluctant to enter into clear opposition with the Council, always preferring to adopt a constructive rather than a competitive approach (after refusing to approve Community agreements with Turkey, for example, the MEPs gave their assent even if their requests had not been substantially met). The EP's reluctance can be explained by its unwillingness to jeopardise the Union's credibility in the international arena. In addition, while voicing its foreign policy concerns, the European Parliament has to be careful not to create a climate of mistrust in the Council. In its decisions and the use of its powers, actually, the EP is aware that it is the Council that has the final say on EU treaty revision and, therefore, on the European Parliament's future role within the Union. That is why the EP may seem to be particularly cautious in the use of its more delicate powers (such as its power of assent in foreign policy or, in a different field, its right to censure the Commission).

With regard to the recent enlargement, it's not likely that the European Parliament's foreign policy will be radically changed by the reshaping imposed by the accession of ten countries of eastern, central and southern Europe. The European Parliament's future foreign policy will continue to be inspired by the fundamental values that underlie it today. Nevertheless, due to the historical and political background of the new entrants, liberal and democratic principles are likely to receive more attention than social ones. In the near future, finally, debates on the development of the European Security and Defence Policy and on the European financial perspectives will be an important test of the effects of membership on the political behaviour of new members.

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