Bachelor assignment:

Parliamentary accountability within the Common Foreign and Security Policy of the European Union:
“What are the formal- and informal powers of the European Parliament and national parliaments to control the policy making process within this field?”

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Introduction

There has been an expansion of European foreign and security policy cooperation since the 1970s and this expansion process could be characterized by a complex combination of different institutional forms, namely: intergovernmental-, transgovernmental-, and supranational forms (Smith, 1998). This combination of different institutional mechanisms was perceived as a problem that obstructed an effective common foreign and security policy on the European level.

In order to tackle this problem the Maastricht Treaty on European Union (TEU) tried to merge these different institutional forms into one consistent policy process (Smith, 2004, p. 740). This treaty gave way to the well known ‘three pillar structure’ of the European Union. The first pillar, the community pillar, concerns social, economic and environmental policies. The second pillar or ‘Common Foreign and Security Policy’ (CFSP) pillar concerns exactly those matters, like foreign aid or human rights as a foreign policy, or peacekeeping as a security policy. The third pillar included the area of Justice and Home Affairs. These pillars differ from each other in respect to the balance of power, whereas the first pillar is more supranational, the latter two have a more intergovernmental structure.

Around the same time, the beginning of the 1990s, the literature on the so called ‘democratic deficit’ of the European Union started to grow and there are currently a huge volume of academic books and articles discussing this phenomenon some way or another. Although the democratic deficit consists of many elements and it exists in many different forms, a large part of this democratic deficit can be assigned to the lack of political control- or parliamentary accountability within the European Union. Especially in the second pillar of the European Union, it is said that the democratic deficit problem magnified: “[…] the progressive increase in the number of foreign policy functions performed by European institutions has led to a parallel decrease in national parliamentary control which has not been offset by substantial additional democratic controls at the European level” (Barbé, 2004, p. 52).
The special character of the CFSP makes its democratic nature even more complex, therefore a general assessment of this area’s democratic deficit would not suffice. It’s democratic nature is characterized by two opposing views about how the CFSP would have to legitimate its policies: the federal- and the intergovernmental view. In the federal view the main EU institution which is responsible for enhancing the democratic quality of the Union’s policies is the European Parliament. The debate within this field is centred on the possibilities and impossibilities for a greater role of the European Parliament within the field of the CFSP in order to increase its legitimacy. At the other side of the spectrum, the intergovernmental view stresses the importance of national parliaments, as being the main institutions for obtaining legitimacy (Mittag et al., 2002).

These two visions both have a different angle from which they view the democratic deficit of the CFSP. The nature and scale of these problems are the central topic of this research paper, in which I will analyze the exact powers of both the European Parliament and the national parliaments in this area. Both sides of the spectrum, the federal- and the intergovernmental view will be taken into account, as this research paper will go into detail about the exact powers of both the European Parliament and the national parliaments. The main research question will be:

“Parliamentary control within the second pillar of the European Union: “What are the formal- and informal powers of the European Parliament and national parliaments to control the policy making process within this field?”

In order to understand the meaning and importance of the central topic, this research paper will start with a short chapter on the history and functioning of the CFSP. After this short description, I will analyze the fivefold distinction of different policy stages within the CFSP, as presented by Smith (2000). The five different policy stages are: agenda-setting, decision-making, funding, implementation, and evaluation. These brief descriptions of the formal decision making processes and the informal functioning of the CFSP will clarify the context in which the main issue of parliamentary control will be located. Subsequently I will introduce the central concept of parliamentary control and this concept will be placed within the broader debate about the European Union’s
Education deficit by projecting the “standard democratic deficit” (Follesdal & Hix, 2005) of the European Union on the CFSP. After this concept has been described I will define the concept “accountability”, by using the work of Bovens (2006) and Verhey, Broeksteeg & Driessche (2008).

After these concepts have been described I will analyze the role of the European Parliament within the CFSP thoroughly in respect to its formal and informal powers to influence the decisions made in the different policy stages. Within the federal view this institution is the main actor responsible for giving the Common Foreign and Security Policies its legitimacy. This is exactly the reason why it is so important to obtain a clear image of its powers within this policy field.

The influence of the European Parliament in this area is said to be rather limited, although the topic has been on the agenda of every Treaty reform (Barbé, 2004, p. 52). However, the European Parliament has developed several activities that strengthen its role and position within the CFSP (Diedrichs, 2004, p. 32). What these activities exactly are and what kind of implications these activities have on the powers of the European Parliament will be made clear in this chapter. Subsequently I will asses these competences in respect to the degree of accountability between the actor (the executives) and the forum (the European Parliament). Within this chapter the different points of view found within the literature will be made clear. The framework which will be used to present these scientific debates is called “collusive delegation theory”, as presented by Koenig- Archibugi.

Parliamentary control or - accountability is not only exercised by the European Parliament, but it can and should, according to the intergovernmental view, be exercised by national parliaments. Within this third chapter I will elaborate on the formal and informal powers of different national parliaments, that are being used to influence the different policy stages of the CFSP. It is not the purpose of this research paper to give a detailed overview of the powers of every national parliament. Therefore the choice has been made to choose two Member States with a relatively large set of competences within the area of the CFSP, namely Denmark and Sweden (Herolf, 2002; Laursen, 2002; Mittag et al., 2002), and a Member State with relatively little parliamentary competences within the area of the CFSP, namely Great Britain (Allen, 2002; Mittag et al., 2002). The differences between these Member States’ formal- en informal powers
will be analyzed and the contrast between them will make clear that there exist a huge difference between the different Member States in respect to its parliamentary involvement.

The sixth chapter will combine these findings and will place these formal and informal powers of the European Parliament and national parliaments in the current debate about the CFSPs perceived democratic deficiencies. I will present a linkage between these findings and it will be clear to what extent there exists a democratic deficit within the CFSP pillar of the European Union. This last chapter will answer the main research question, primarily based on the previous chapters.
2
Common Foreign and Security Policy

2.1 The history of the CFSP

A short historical summary of the developments in the area of foreign and security policy is crucial in understanding the current institutional arrangements of the CFSP. The developments in this area started with the creation of the European Political Cooperation (EPC) in 1970 as presented in the so-called Luxembourg report. This report created the foundation for the EPC by the establishment of several procedures which paved the way for a regular exchange of information and coordination between the ministers of foreign affairs. Due to experiences in the past and fundamental differences between Member States these developments were carefully approached in a legally non-binding text (Mittag et al., 2002, p. 60). It was an attempt to structure West European foreign policy and it did not include defence and security elements.

The next step was taken in 1986 with the signing of the Single European Act, which revised and formalised the EPC in a legal document. However, the ending of the Cold War is seen as a real starting point for a European foreign and security policy. Since the 1950s, the East-West conflict was the driving force behind European Integration. This driving force disappeared when the Soviet Union collapsed. “So it needed to be replaced by new initiatives and projects that would guarantee cooperation within, and the identity of, the Community” (Müller, Brandeck, Bocquet, 2002, p. 257).

The EPC did not function very well up until that period in the late 1980s, so it was decided in two subsequent meetings of the European Council in Dublin that cooperation in the field of foreign and security policy would be on the top of the agenda. These meetings resulted in the Treaty on European Union, which contained a new title (Title V TEU) and was called the “Common Foreign and Security Policy” (CFSP). The Member States were not ready for a common ‘supranational’ policy in this field and it was exactly this reason that gave way to the so called ‘three pillar structure’ of the European Union. The European Community (EC), the Common Foreign and Security Policy (CFSP) and cooperation in the field of Justice and Home Affairs (JHA). The CFSP was defined as a
separate pillar of the European Union: cooperation in an intergovernmental way was the ‘decision regime’ that was chosen.

In 1997 the Maastricht treaty on CFSP proved to be inefficient and several other external challenges urged for improvements within this area. The Amsterdam treaty brought about several new procedures. This revised version of the TEU created a CFSP which is still present today. However, it must be stated that minor changes occurred in respect to the cooperation between the different institutions on the EU level, due to Interinstitutional Agreements (IIAs) (Maurer, Kietz & Völkel, 2005).

The European Council (EC) is the main actor within the CFSP and its role is in a large degree influenced by national sovereignty. Decisions taken by the EC are reached by means of consensus, the governing heads of state create the two highest working instruments of the CFSP, namely the General Guidelines and the Common Strategies (Art. 13 TEU). These general guidelines are used by the Council, consisting of the foreign ministers of the Member States, to make decisions “necessary for defining and implementing the common foreign and security policy” (Art 13, paragraph 3, TEU). The General Affairs Council thus reaches decisions on Joint Actions and Common Positions (Art. 14 and 15 TEU).

In addition to this short historical description of the CFSP I will analyze the main stages of the CFSP policy-making cycle in the next paragraph by using the work of Smith (2000). These two paragraphs combined will create some clarity within this rather difficult and vague area of the European Union.

2.2 The main stages of the policy-making cycle

In the next paragraphs I will shortly outline the main stages of the policy-making cycle and its key actors, in order to sharpen our image about the tasks and procedures within this policy field. This policy-making cycle matches up for a large part with the concept of accountability, which will be introduced in paragraph 3.1. The use of these different policy stages will help us to place the formal- and informal competences of the European Parliament within this concept of accountability, as this concept also exists out of different stages.
I will use the distinction between five different policy stages, based on the work of Smith (2000; 2004), namely: agenda-setting, decision-making, implementation, funding, and evaluation. Although Smith (2000) also described a sixth policy stage which he called democratic oversight, this part will not be included in this describing part, as it is our main focus in subsequent chapters. The fivefold overview of these policy stages will help us understand the process of parliamentarization of both the European Parliament and National Parliaments within these different policy stages, which will subsequently be analyzed in the following chapters.

The CFSP involves a very formal decision making process which can be broken down into five stages. Although this sequence seems rather clear-cut on the surface, each stage “[…] involves different treaty articles, actors, and procedures. There is no set timetable, so delays are common” (Smith, 2000, p. 11). I will argue that democratic oversight cannot be seen merely as a different policy stage; rather it is applicable to all the previously mentioned policy stages which will be described in the next paragraphs; agenda-setting, decision-making, implementation, funding, and evaluation.

### 2.2.1 Agenda-setting

Within each society there will be events or other circumstances which motivate relevant actors to put these issues on the agenda. Within the CFSP this agenda-setting function is rather clearly ascribed to the actors within the European Council. This institution can select the issues and place them on the agenda, by defining the general principles and areas of concern within the CFSP policy field (Smith, 2004, p. 744). The European Council is the main actor in this stage, the heads of state and government of EU member states are brought together in this institution and these actors are supported by their foreign affairs ministers, the President of the Commission and another member of the Commission (Smith, 2000). Article 13.1 TEU reads that the European Council shall “define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications”.

This paragraph is followed by article 13.2 which gives the European Council the explicit task to “[…] decide on common strategies to be implemented by the Union in
areas where the Member States have important interests in common”. The European Council thus far created numerous of these so called general guidelines and common strategies (Smith, 2000, p.11). There is also a minor role for the Council, which can make recommendations to the European Council in respect to the adoption of common strategies.

2.2.2 Decision-making

Once an issue has been placed on the agenda the next step is to make decisions, on the basis of these general guidelines and common strategies. Whereas the first stage of the policy making process, the setting of the policy agenda, was rather clearly assigned to the European Council, the decision-making stage is rather complicated. The two main policy instruments in this policy stage are common positions and joint actions.

Common positions are adopted unanimously by the Council and the Member States are required to comply with these positions. Article 15 TEU states that “[...] Common positions shall define the approach of the Union to a particular matter of geographical or thematic nature”. These common positions help define a systematic way of cooperation and it helps to improve the overall coordination of foreign and security policy.

The adoption of joint actions is more complicated, since it involves more actors and the use of several differing decision-making procedures. The creation of these common actions is a difficult task, as these require merely political will from the different ministers (Smith, 2000, p.12). Precisely because of this reason the principle of unanimous decision-making was altered by the Amsterdam Treaty which introduced the principle of “positive abstention”. This principle could prevent the blocking of decisions taken in the Council, as this principle permits the abstentions by member states. Instead of blocking a unanimous decision, member states can choose to qualify its abstention by making a formal declaration, in this way the member state will not be obliged to apply to the decision, but it must accept that the decision commits the Union (Smith, 2000).

The Commission also shares the right to propose these common positions and joint actions to the Council of Foreign Ministers (Art. 14.4 TEU). The Council and the Commission are supported by various actors like the Political Committee, CFSP telex
system, European Correspondents, working groups, the CFSP Secretariat, and the Committee of Permanent Representatives to the EU (Smith, 2000). The Political Committee could be seen as the most important supporting actor, because it is also charged with the task to monitor the international situation and the submitting of opinions to the Council of Foreign Ministers. The Political Committee is composed of national foreign ministry officials from the political affairs directorates (Smith, 2000).

2.2.3 Implementation

Once a decision, a common position or a common action has been taken, the next policy stage comes into play: the implementation of these decisions. Policy implementation is a joint responsibility of two actors, namely; the EU Presidency and the Commission. Smith (2000) states that the EU does not enjoy legal personality under the terms of international law and therefore the CFSP cannot conclude international agreements on its own. The state that holds the EU presidency represents the Union under the CFSP: it “[... implemented its policies, and expresses its positions in international organizations and conferences” (Smith, 2000, p.12). In exercising these tasks, the EU Presidency is fully associating the Commission.

The Amsterdam treaty which was ratified by all Member States around March 1999 modified some issues in the area of implementation and external representation. Art. J.8 (3) of this treaty states that “The Presidency shall be assisted by the Secretary General of the Council who shall exercise the function of High Representative for the common foreign and security policy”. The High Representative can help the Council of Ministers by contributing the policy- making process and also at the implementation stage this High Representative has a significant role (Smith, 2004).

2.2.4 Funding

It is evident that the implementation of common positions, and especially the implementation of common actions, require funds. This is the next stage in the policy- making process. The funding mechanisms of the CFSP were originally divided into administrative expenditures and operational expenditures. The first one was charged to
the Community budget, where the latter could be charged to the EU member states, in accordance with their GNP scale, or it could be charged by the EC budget by means of a unanimous decision by the Council (Smith, 2000, p.16). In practice this distinction did not seem to work, as Member States refused to make the required GNP contributions or had other budgetary disagreements among each other.

The Amsterdam Treaty set a clearer method of financing the CFSP. Art. J.18 (2-3) states that both administrative and operational expenditures shall be charged of the EC budget. Although the distinction between the two different types of expenditure disappeared, there are still some exceptions. Art. J.18 (3) states that “[...] except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise”. The Amsterdam Treaty makes clear that the EC budget is the main source for CFSP funds, and in order to use these funds the standard procedures for the EC budget apply. These procedures involve inputs from the Commission and oversight by the European Parliament (Smith, 2000, p. 17).

2.2.5 Evaluation

Although this policy process of the CFSP is covered at many levels, there are no sanctions for EU states that do not fulfil their commitments. The European Court of Justice has no rights to make rulings in this area (Smith, 2000, p. 13). Within the area of the CFSP, the European Council oversees the entire policy making process of the European Union. The Council of Foreign Ministers and the Commission are responsible to ensure “[...] unity, consistency, and effectiveness of the EU’s external activities in terms of security, economic, and development policies” (Smith, 2000, p. 13). The Council of Foreign Ministers is charged with the task to ensure the compliance of Member States with the principles of the CFSP.

The next layer of evaluation responsibilities is assigned to several diplomatic and consular missions and Commission delegations. These delegations are situated in third countries or international organizations or conferences, and they have the task to ensure that common positions and joint actions are complied with and implemented (Smith, 2000, p. 13). Finally there also is a monitoring role for the Political Committee, which is also responsible for evaluating the implementation of CFSP policies.
The democratic deficit of the CFSP

Many argue that the European Union faces a legitimacy problem. Since the 1990s there are scholars who write about this so called ‘democratic deficit’. There isn’t a single definition, as there are many forms and positions in this debate, but a large part of this democratic deficit can be assigned to the lack of political control or political accountability within the European Union. According to Andreas Follesdal and Simon Hix (2005), the ‘standard’ democratic deficit could be defined using five main claims. These claims cannot be assigned to a single group of scholars, but have to be viewed as a “set of widely-used arguments” by scholars, practitioners, media and citizens, which once combined, form the standard democratic deficit (Follesdal & Hix, 2005, p. 4). In subsequent paragraphs I will shortly outline this standard democratic deficit and I will relate these five claims to the field of CFSP with the help of Barbé (2004) and Müller-Brandeck- Bocquet (2002). I will also locate these claims along the federal-intergovernmental axe to make clear from which group of scholars these claims come from.

The first claim, which is considered the main claim in this debate, is related to the increase in executive powers versus the decrease in national parliamentary control. Within the European Union the policy-making process is dominated by executive actors, in the likes of Council ministers and Commissioners. These executive actors make decisions that are beyond the parliamentary control of the national parliaments: “as a result, governments can effectively ignore their parliaments when making decisions in Brussels” (Follesdal & Hix, 2005, p. 5).

In relation to the CFSP Barbé (2004) argues that the increasing number of foreign policy functions at the European level led to a decrease in national parliamentary control. The ministers in the Council possess a high degree of power and this institution is not really subject to national parliamentary control. Therefore, it could be argued that national governments could make decisions in the Council for which they cannot be held accountable for, at least not by their national parliaments. In the field of CFSP the statement that national governments can effectively ignore their parliaments when
making decisions in Brussels seems to hold up. This claim is clearly situated in the intergovernmental side of the debate, as these scholars attach great value to the legitimating role of national parliaments.

The second claim is related to the first one and states that the European Parliament is too weak. Since the 1990s European integration is said to be moving powers to executive actors like the Commission and the Council, at the expense of national parliamentary control (Follesdal & Hix, 2005, p. 5). Many scholars argue that the solution to this problem would be to increase the powers of the European Parliament, in order to sustain a satisfactory degree of political control (Lodge, 1994). Although the powers of the European Parliament have increased in every successive Treaty reform, the European Parliament is still considered weak, as its powers are in no way comparable to national parliamentary control in domestic politics.

In the field of CFSP this claim is said to be even truer. Although the European Parliament has tried to increase its powers in this policy field by placing this problem on every Treaty reform agenda, it still only has minor powers in this area (Barbé, 2004, p. 52). This claim is often made by scholars that advocate the federal point of view; the European Parliament is the key institution for giving the European Union its legitimacy.

The third claim relates to the elections of the European Parliament, which are not really about Europe. The reasoning behind this claim starts with the observation that national elections are solely about national issues; Europe is not an integral part of these contests. European elections on the other hand, are also not about European issues, European parties or the course of the European policy agenda. These elections are also about national issues, as the political parties and the media tend to treat them as “mid-term national contests” (Follesdal & Hix, 2005, p. 5-6). In the literature these European Parliament elections are called “second-order national contests” (Reif & Schmitt, 1980).

This third claim is part of the entire debate of the Union’s democratic deficit and is also related to the CFSP, but for the purpose of this research I will only describe this claim shortly. The missing European elements in both national and European elections imply that there is no direct influence of the European Union’s citizens on CFSP policy outcomes. Follesdal and Hix (2005) argue that the citizens only have an indirect influence on the policy agenda at best. Especially in the second pillar it can be argued that even the indirect influence of citizens is absent, as the policy agenda and the policy outcomes
are not determined by a genuine electoral contest. Although this is an interesting element of the Union’s democratic deficit it is not a central topic of this research paper, in which I would like to focus on the lacking parliamentary accountability of the executive powers at the European level. Although these topics are related with each other, I will not deeply elaborate on these second-order national contests and their implications for the CFSP pillar’s legitimacy. This topic could very well be a research subject on its own.

The fourth claim states that the European Union is too distant from its citizens. The procedures are vague and very hard to understand for the European citizens. The way in which the European Union functions is not comparable to the situation at the domestic level; this combination of several different languages makes it very difficult for citizens to view The European Union as a democratic construction (Follesdal & Hix, 2005, p. 6).

This argument is also related to the CFSP of the European Union, as its decision making structure is very distant from the general voter: the way this policy area is functioning is very different from the domestic democratic institutions that the general public are used to. Although this is another area of concern within the larger debate of the Union’s democratic deficit, it is not a research topic within this paper.

The fifth and final claim is related to the policies that are adopted at the European level. These policies are, mainly because of the previous four claims, not supported by the majority of citizens in the European Union’s Member States. It could be argued that the process of European integration generates a “policy drift from voters’ ideal policy preferences” (Follesdal & Hix, 2005, p. 6). These authors mention the monetary framework for EMU, the Common Agricultural Policy and the neo-liberal regulatory framework of the single market as prime examples of this policy drift.

To what extent these policy drifts occur within the second pillar remains to be seen. However, the European Council reaches decisions solely by consensus, in order to protect national interests. The two highest working instruments of the CFSP, the General Guidelines and the Common Strategies (Article 13 TEU) are created by the governing heads of state, and they decide unanimously how the European Union will apply its influence on international events (Müller- Brandeck- Bocquet, 2002, p.262). This intergovernmental nature of the CFSP could, on the one hand, prevent the adoption of
foreign and security policies which are not supported by a majority of the citizens. On the other hand the executive actors in the European Council and the Council of Ministers can make decisions for which they are not really accountable, which could cause some sort of policy drift.

3.1 The concept accountability

It is often stated that the lack of accountability of the executive powers at the European level is the core reason for the Union’s democratic deficit. For the purpose of this research paper it is necessary to define the notion of accountability. The concept of accountability is often used in the debate on democracy at the European level. Other concepts like “responsibility” and “political accountability” are also used in this debate and it turns out to be very confusing because these concepts have been used interchangeably with each other (Verhey et al., 2008, p. 9).

Within this paper I will use the work of Bovens (2006) to describe the meaning accountability has within this research paper. According to Bovens (2006) accountability is: “[...] a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences” (Bovens, 2006, p. 9). In respect to this research paper we can state that the actors are the executives at the European level: the European Council, the Commission, and especially the Council. The forums are respectively the European Parliament and the national parliaments.

Verhey et al., (2008, p. 12) distinguish three different stages within the process of giving an account:

“
- the accountor fulfilling his obligation to inform the forum and to explain and justify his conduct;
- the forum interrogating the accountor and debating the adequacy of the explaining of its conduct;
- the forum passing judgment and the accountor facing the consequences”
It can be stated that the existence of these three different stages of giving an account differ greatly between, for example, Member States. The previously described policy cycle, consisting of five different stages can be translated into these three stages of giving an account. The first stage of giving an account is related to the obligation of the accountor to inform the forum and to explain and justify his conduct. This stage is relevant in all the five stages of the policy cycle, as the accountor can explain and justify his conduct for:

a) issues that have been put on the policy agenda (general guidelines and general strategies)
b) **decisions** made on the bases of these general principles (common positions and common actions)
c) the **implementation** of these common positions and –actions
d) the way the accountor would like to **fund** these implementations
e) the implementation of these policies within the **evaluation**

The same can be said about the two other stages of “giving an account”, as the forum ideally should be possible to make use of every different stage of giving an account in every policy stage. However, it can be said that stage two of giving an account is more related to the decisions(b) that have been made and the implementation(c)/funding(d) of these decisions. Stage three, subsequently, is more related to the evaluation(e) of these policies and could mean a judgement by the forum entailing consequences for the accountor.

In subsequent chapters I will analyze the formal- and informal powers of respectively the European Parliament and national parliament. By describing these institutions’ competences in the different stages of the policy cycle I would like to assess to what degree the different stages of “giving an account” are fulfilled. The differences in competences of the European Parliament and the national parliaments will be presented, furthermore it will be made clear that there exist major differences between the national parliamentary systems.

Whereas some governments mainly focus on the obligation to inform the parliament and to explain and justify its conduct, the focus in other systems lies on the judgements made by the parliament and the possible consequences for the government.
Within this research paper I will respectively describe the powers of the European Parliament (the forum) in relation to the European Council, the Council and the Commission (the accountor). It will be clear what these powers exactly are and in which of the three different stages these accountability mechanisms can be located.
The powers of the European Parliament within the CFSP

It is often said that the European Parliament plays a rather marginal role in the Common Foreign and Security Policy of the European Union (Diedrichs, 2004). Although many scholars demand a higher degree of parliamentary participation within this area these claims have not been satisfied by the formal treaties since the Treaty of European Union.

Koenig- Archibugi (2002) presented a theory called “collusive delegation”, which explains why these calls for democratization have not been met in the formal treaties. The reasoning of this author will be made clear in the next paragraph and complemented by various other authors. The debates in the literature will be presented within this section, complemented by the subsequent paragraphs which will describe both the formal and informal competences of the European Parliament within the different policy-making stages. These competences will be described along the policy cycle, starting with the agenda-setting powers and ending with the evaluation process. This way the exact formal- and informal powers of the European Parliament can be assessed and in the concluding paragraph of this chapter these competences will be assigned to the different accountability mechanisms, as described earlier.

4.1 Collusive delegation theory

The foreign and security policy of the European Union is situated within the second pillar and thus has an intergovernmental nature. Originally it can be stated that the responsibilities to control the executives at the European level should be carried out by national parliaments (Stie, 2008). Various other authors argue that the process of decision making within the second pillar of the European Union saw an increase in European components and procedures (Cameron, 2007; Barbé, 2004). “While the relevant competencies do remain ultimately at the disposal of the Member States, the formulation and implementation of policy will be increasingly Europeanized and Brussilized by functionaries and services housed permanently at Brussels” (Müller-Brandeck- Boucquet, 2004).
Parliamentary control within the area of foreign and security policy is traditionally regarded as a difficult subject (Stie, 2008). A few reasons could be given for this lacking scrutiny within this area, namely the existence of confidential information, the need for rapid decisions and overall decisiveness. However, several authors in the likes of Sjursen (2007), Smith (2003) and Barbé (2004) question this reasoning and argue that there should exist some form of democratic control within this area. Especially the decision making mechanisms within the CFSP are said to be lacking a decent system of parliamentary oversight (Barbé. 2004).

Although there are many demands for a higher degree of parliamentary participation within the area of CFSP, these claims have not been satisfied in recent treaty revisions. Koenig- Archibugi (2002) points out that the democratization of the CFSP involves a redistribution of power among actors, which is why powerful political actors like the European Council and the Council “[...] can be expected to oppose it for reasons of institutional self-interest” (Koenig- Archibugi, 2002, p. 61). And this is exactly the reason why the European Parliament did not see a significant increase of its competences.

Various other authors have argued that international policymaking, for example within the framework of the European Union, could enhance the powers and independence of a national government from the domestic actors, like the national parliament, which are supposed to check its actions. Kaiser (1971, p. 706) was the first who observed this pattern and stated: “[...] the intermeshing of decision-making across national frontiers and the growing multinationalisation of formerly domestic issues are inherently incompatible with the traditional framework of democratic control”. These observations are very much related to the CFSP framework of the European Union and it is labeled as the central element of the Union’s democratic deficit.

Koenig- Archibugi (2002, p. 63) argues that this democratic deficit is not simply a by-product of European integration, but it is also one of the purposes of European integration: “Governments pool their authority in order to loosen domestic political constraints”. This theory explains, for a large part, why parliamentary intrusions are viewed as unwelcome by the executive actors within the CFSP framework.

It cannot be denied, however, that the European Parliament gained considerable ground in virtually every policy field since the Single European Act in 1987. This is also
true in respect to the CFSP, in which the European Parliament also saw an incremental increase in informational and budgetary competences. This incremental parliamentarization of the CFSP, however, seems difficult to explain, particularly for proponents of intergovernmentalism. Moravcsik (1993) for example views the process of European Integration as a process of consecutive intergovernmental bargains, and this author attaches great value in explaining these bargains. Viewed in this way, the question arises why the European Parliament gained more powers in the area of the CFSP. Why would national governments decide to transfer competences to a supranational institution like the European Parliament?

I will make clear that these developments are very hard to explain from an intergovernmental point of view, especially once we take notice of the collusive delegation theory, as presented by Koenig-Archipugi (2002). Subsequently I will try to give some insights in these matters by arguing that the incremental parliamentarization of the CFSP cannot be seen as an isolated process of intergovernmental bargains, but is the result of an ongoing process of informal and formal treaty revisions in which the IGCs simply formalize these previously created informal Interinstitutional Agreements.

In the next paragraphs I will subsequently describe the European Parliament’s formal powers, which are to be found within several Treaties, and its informal powers, which can be found in several so called Interinstitutional Agreements (IIAs). These agreements between the European Parliament, the Commission and the Council are created to shape the cooperation between these institutions, these agreements also prevent possible conflicts between the different institutions. By means of these IIAs the European Parliament has managed, outside the formal treaty revision procedure, to increase “[...] its information and consultation rights and subject the CFSP to a transparent and reliable budgetary process” (Maurer, Kietz, Völkel, 2005, p. 176).

4.2 Formal- and informal competencies of the European Parliament

The Treaty of Maastricht was concluded in 1992 and it can be argued that since this treaty there have not been any significant changes in the European Parliament’s formal competencies to influence the CFSP. In order to sharpen the image of its exact
formal competencies I will mention the related treaty principles and summarize the impact of these articles.

Article 3 TEU can be regarded as an overarching principle, which states: “The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency. They shall insure the implementation of these policies, each in accordance with its respective powers”. The Commission and the Council are responsible for a consistent external policy, including the CFSP, which is of course an external policy field. Article 11 TEU formalized the objectives of the CFSP, this article can also be regarded as an overarching principle:

“1. The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be:
- to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter,
- to strengthen the security of the Union in all ways,
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders,
- to promote international cooperation,
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms”.

This article functions as a point of reference, it provides general guidelines for the CFSP. These two overarching principles are our starting point in describing the influence of the European Parliament in the five different policy stages, which are built upon these principles. In the next paragraph I will shortly describe the main actors in each policy stage (agenda-setting, decision-making, implementation, funding and evaluation),
subsequently I will describe the European Parliament’s formal and informal powers in each policy stage.

4.2.1 Agenda-setting powers

Article 13.1 TEU reads: “The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications”. These “periodic consultations” at the intergovernmental level are formed by a combination of the heads of state and government of the different member states, which are supported by their foreign ministers and the President of the Commission (Smith, 2000, p. 12). These meetings are twice a year and the European Council sets broad guidelines and defining principles for the Common Foreign and Security Policy.

The agenda-setting power is clearly situated within the European Council and there are not any formal competences which give the European Parliament a say in this policy stage. However, there are some informal ways in which the European Parliament can get their opinions heard by the Heads of Government in the European Council. The President of the European Parliament, for example, visits every Member State once in his term in office. He will meet the heads of state and government, and also their foreign ministers. Furthermore, this same President of the European Parliament is present at the beginning of every European Council meeting. In this way, the EP President can express the views of the European Parliament on issues discussed in the European Council (Mittag et al., 2002, p. 95). Furthermore there are linkages between the members of the European Parliament and their national political parties. When these national parties are part of the national government, there is a direct connection between the Heads of State and the MEPs.

4.2.2 Decision-making powers

These broad guidelines and principles that were decided upon by the European Council are given shape by the Council of Foreign Ministers. This institution is responsible for creating common positions and joint actions. Article 13.3 TEU reads: “The
Council shall recommend common strategies to the European Council and shall implement them, in particular by adopting joint actions and common positions”. These joint actions and common positions are covered by article 14 and 15 TEU. The Political Committee, another body that is also involved in the decision-making process, has the task to monitor the international situation and can submit opinions to the request of the Council, or at its own initiative.

In relation to the role of the European Parliament in this policy stage article V of the TEU provides several, rather vague, provisions. Article 21 TEU states that: “The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union’s foreign and security policy”. These wordings are not binding the responsible executives in a very strict manner, vague expressions like “[...] the views of the European Parliament are duly taken into consideration” leave the Council some room for manoeuvre (Diedrichs, 2002, p. 33).

Information from the Presidency is considered as not satisfying by the MEPs, who regularly criticize the Presidency to be rather vague and general (Mittag et al., 2002, p. 94). This right to be consulted is limited by the term “main aspects”, which leaves the Council Presidency its own interpretation of what these main aspects are: the Presidency can decide on the level, content and timing of the information to be provided. More specific competences are to be found in the second half of article 21 TEU: “The European Parliament may ask questions of the Council or make recommendations to it. It shall hold an annual debate on progress in implementing the common foreign and security policy”.

Although the treaty gives the European Parliament explicit rights, these provisions are not in any way related to a binding role for the European Parliament. These articles contain “soft” rights of information, consultation, questioning, recommendation and debate, not in any way is the Council obliged to take the European Parliament’s position into account (Diedrichs, 2002, p. 33). The same “soft” right of information is provided in the field of enhanced cooperation, which is covered in article 27 TEU. Member States which would like to create a form of enhanced cooperation between themselves have to address a request to the Council. According to article 27c
TEU, this request should also be forwarded to the Commission and, “[…] for information, to the European Parliament”.

It can be said that the Treaty on European Union left these institutions with a wide set of questions, it was not clear what their exact roles and powers were in the policy-making process. An answer to this was partly found in a series of IIAs, which were concluded since October 1993 (Maurer, Kietz, Völkel, 2005, p. 185). Although the creation of these IIAs proved to be very difficult at first, the Amsterdam Treaty was accompanied by the conclusion of an IIA on the financing of the CFSP. This informal IIA consisted of several budgetary agreements, which will be covered extensively later on in this chapter, and several ex-ante-consultation and ex-post-information rights in favor of the European Parliament (Maurer, Kietz, Völkel, 2005, p. 186).

Article G.43 of the IIA can be seen as an agreement between the Council, the Commission and the European Parliament, which clarifies the informational rights of the European Parliament under TEU. “Each year, the Council Presidency will consult the European Parliament on a forward-looking Council document, which will be transmitted by June 15 for the year in question, setting out the main aspects and basic choices of the CFSP, including the financial implications for the general budget of the European Union and an evaluation of the measures launched in the year n-1. Furthermore, the Council Presidency will keep the European Parliament informed by holding join consultation meetings at least five times a year, in the framework of the regular political dialogue on the CFSP, to be agreed at the latest at the conciliation meeting to be held before the Council’s second reading.” This agreement entails a more detailed obligation to the Council Presidency in respect to its informational duties.

The European Parliament will be informed each year, before June 15th, on the financial implications of the main aspects and basic choices of the CFSP, furthermore it provides the European Parliament with an evaluation of the measures launched in the previous year. Next to this, the Council Presidency has to keep the European Parliament informed five times a year.

The last part of article G.43 of this IIA states another more concrete informational right that it has to inform the European Parliament about adopted decisions regarding CFSP, which entail expenditures: “Whenever it adopts a decision in the field of the CFSP entailing expenditure, the Council will immediately, and in any event no later than five
working days following the final decision, send the European Parliament an estimate of the costs envisaged (‘financial statement’), in particular those regarding time-frame, staff employed, use of premises and other infrastructure, transport facilities, training requirements and security arrangements”. This IIA facilitates the European Parliament with concrete informational rights compared to the vague wordings found in the Maastricht treaty.

4.2.3 Implementation powers

After this decision-making stage it is the joint responsibility of both the EU Presidency and the Commission to implement these decisions. Smith (2000) states that the European Union does not enjoy a legal personality under the term of international law. This means that decisions which are taken within the CFSP framework, cannot be implemented by this institutional design itself. This is exactly the reason why there exists a rather strange institutional set-up in which the EU Presidency represents the European Union in respect to the CFSP. The Presidency implements the decisions and expresses the positions and decisions that are chosen, on international conferences.

Article 21 TEU reads: “The European Parliament may ask questions of the Council or make recommendations to it. It shall hold an annual debate on progress in implementing the common foreign and security policy”. This article is the basis for the European Parliament to address written and oral interpellations to the Council. Every single member of the European Parliament has this right, and the European Parliament as a whole is given the right of interpellation in the form of resolutions (Mittag et al., 2002, p. 69).

These rights of the European Parliament are, however, not legally binding. Mittag et al., (2000, p.69) state that although these rights are not legally binding, they could induce a political effect. Interpellations by the European Parliament could send a clear message to the Council, especially in areas where the European Parliament could use their harder competences, like their budgetary powers. Article 27d TEU continues to extend this right of information to the implementation process regarding the field of enhanced cooperation: "Without prejudice to the powers of the Presidency and of the Commission, the Secretary-General of the Council, High Representative for the common
foreign and security policy, shall in particular ensure that the European Parliament and all members of the Council are kept fully informed of the implementation of enhanced cooperation in the field of the common foreign and security policy”.

Another part of the CFSP is the European Security and Defence Policy (ESDP), which is organized in a strictly intergovernmental way. Matters which have a military or defence implications will be abstained from majority voting. The European Parliament’s only rights in this area are informational rights, like stated in article 21 TEU: the European Parliament has to be consulted and informed about the main ESDP developments.

Within the field of ESDP, the European Parliament uses its right to pose questions to the Council and the Commission. The ESDP also consists of civilian crisis management, which does involve parliamentary decision-making principles, as these decisions are often financed by the Community budget (Diedrichs, 2002, p.42). In the IIA between the Council, the Commission and the European Parliament, it is stated the Commission will inform the budgetary authority on a quarterly base, “[...] about the implementation of CFSP actions and the financial forecasts for the remaining period of the year”.

4.2.4 Funding powers

The previous treaty provisions are, as already stated, mostly “soft” rights, whereas article 28 TEU gives the European Parliament some “harder” opportunities for parliamentary participation (Laschet, 2002, p.5). This article is related to the funding of decisions that are taken within the CFSP context. Article 28 TEU states that all administrative expenditures for the common and foreign security policy shall be charged to the budget of the European Community. Article 28.2 TEU reads: “Administrative expenditure which the provisions relating to the areas referred to in this title entail for the institutions shall be charged to the budget of the European Communities”.

Subsequently, article 28.3 TEU excludes the financing of operating expenditures which have military or defense implications: “Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the budget of the European Communities, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides
otherwise”. These provisions clearly give the European Parliament the opportunity to exercise its control, as article 28.4 TEU explicitly states that the budgetary procedures of the EC apply, since the Community budget is used.

Next to these treaty provisions the IIA which was concluded at the same time the Amsterdam Treaty was ratified, has three new features concerning the European Parliament’s budgetary rights. Article G.42 of this IIA starts with the statement that CFSP expenditures are to be treated as non-compulsory expenditures. The European Parliament will have the final say over CFSP expenditures, which are charged to the Community budget (Maurer, Kietz, Völkel, 2005, p.186).

The second feature is related to the CFSP budget chapter, the IIA lists several budgetary lines into which the expenditures in the area of CFSP action must be entered. It can be seen as a budget structure in which the CFSP actions have to be entered. Examples of these budgetary lines are given under article G.42 of the same IIA: “crisis management operations, non-proliferation and disarmament, emergency measures, preparatory and follow-up measures”.

The third feature states that no funds will be entered in a reserve. “Thereby excluding a parliamentary rejection of a proposed reserve transfer” (Maurer, Kietz, Völkel, 2005, p.186).

4.2.5 Evaluation powers

In addition to these “hard” competences there are several additional competences which go beyond the “soft” right of information. The final policy stage, the evaluation process, involves many actors at many different levels. The European Court of Justice is not permitted to make rulings in this area, it does not own provisions for sanctioning member states who do not fulfill their commitments. However, article 214 TEC reads: “The President and the other Members of the Commission thus nominated shall be subject as a body to a vote of approval by the European Parliament”. In addition to this, the European Parliament has the right to, according to article 201 TEC, hand in a motion of censure against the Commission: “If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the Members of the European Parliament, the Members of the Commission shall resign as a body”.

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These rights can also be seen as rather “hard” competences, but one can question its relevance in CFSP matters, as it seems unthinkable that the European Parliament would use its powers to vote in favor of a motion of censure against the Commission in CFSP matters.

4.3 Analyzing the increasing powers of the European Parliament

Since the CFSP was created in 1993 there are debates about the lacking democratic scrutiny within this policy field. It has been said that this democratic deficit, measured as a lack of accountability, has been magnified as the European institutions increased their influence in a variety of different foreign policy functions. At the same time, these developments entailed a decrease in national parliamentary control which can be explained by using the collusive delegation theory as presented by Koenig-Archibugi (2002).

This author argues that the creation of the CFSP can be viewed as an act of collusion between member state governments who can increase their independence from their national parliaments, which are supposed to check their behavior. These developments match up perfectly with the theory on the European Unions’ democratic deficit that reads, in short, that the decrease in national parliamentary control has not been offset by significant additional democratic control at the European level. However, collusive delegation theory adds a fundamental element to this theory: the democratic deficit cannot be viewed as simply a by-product of the transfer of power to the supranational institutions, but it is also a purpose of this transfer of powers.

The formal and informal expansion of the European Parliament’s powers which have been described in detail cannot be described within this theory. It is expected that the national executives in the Council are reluctant to transfer any of their autonomy to a supranational institution like the European Parliament. However, the European Parliament gained considerable competences within the CFSP, especially the extension of its budgetary rights seems remarkable from this point of view. The explanation for this gradual parliamentarization of the CFSP lies in many factors combined.

First of all, the European Parliament is an autonomously acting supranational institution, which pursues its own interests. Over time, this institution proved to use the
“[…] constraints and opportunities arising from the mass of decision-making procedures and the multitude of actors in the EU’s policy making process to subject more and more policy fields to parliamentary control and legislation” (Maurer, Kietz, Völkel, 2005, p.181).

Second of all it can be stated that IGCs can be regarded as only a small part of the entire process of constitutional development. These treaty reforms are merely a codification of existing institutional features. The real changes occur in between these IGCs and within these periods the theory of path dependency plays a rather significant role.

Pierson (2004, p. 21) relates path dependency to the significant positive feedback mechanisms in the domain of politics. These positive feedback mechanisms refer to the difficulty of reversing a course because each step along a particular path produces consequences that increase the relative attractiveness of that path. It is stated that “established institutions will typically generate powerful inducements that reinforce their own stability and further development” (Pierson, 2004 p. 26). In addition he suggests that four aspects of politics make positive feedback mechanisms more intense than the economic domain: “the central role of collective action, the high density of institutions, the possibilities for using political authority to enhance asymmetries of power; and its intrinsic complexity and opacity (Pierson, 2004, p. 30).

This notion of path dependency is typically existent within the field of CFSP, as the developments in this area are given shape by various actors which all have different preferences and all have their unique influence on the constitutional development of this policy field. The reforms of this constitutional process are said to be incremental and these small changes are constrained by previous decisions and developments. The IIAs in the field of the CFSP are prime examples of these path dependent routes as they are often regarded as “the seeds of future treaty amendments” (Maurer, Kietz, Völkel, 2005, p.183). These same authors state that the European Parliament used these IIAs to strengthen its own position within the CFSP.

The European Parliament informally increased its powers, especially in respect to its budgetary rights. In short, the European Parliament’s main belief is that European foreign policy can only be democratically legitimized by this institution itself. The Council, however, was resistant to transfer hard competences to the European
Parliament, as this institution would use these powers to get involved in the decision making process within the CFSP. Nevertheless, the role of the European Parliament was strengthened by the IIA described above. Why did the Council agree to this IIA? Maurer, Kietz & Völkel, (2005) presented an excellent examination of this question.

In short, financing of the CFSP through national budgets proved to be impossible, hesitance of Member states to cooperate swiftly obstructed an efficient CFSP. In order to sustain planning reliability and an efficient implementation the Council wanted to use the community budget. The IIA on the financing of the CFSP can be regarded as a compromise between the Council and the European Parliament. It will be clear that the European Parliament has its own reform preferences and it continuously seeks ways to extend its powers in this policy field.

4.4 The degree of accountability

The executives at the European level escape their duty to give account to their national parliaments when gathering together on the European level. To see the magnitude of this problem I described the powers of the European Parliament vis-à-vis the European executives within the CFSP framework. In chapter three I described the concept of “accountability” and stated that it can be separated into three stages.

According to Bovens (2006) “accountability” is: “[...] a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences” (Bovens, 2006, p. 9). The first stage of “giving an account” is related to the obligation of the executives to inform the European Parliament and to explain and justify its conduct. In respect to the CFSP it can be argued that this first stage of giving an account is, in theory, fulfilled. The meetings of the European Council, for example, are carried out in confidentiality (Hayes- Renshaw & Wallace, 2006, p. 181).

According to article 21 TEU, the Presidency of the European Council, for example, has the duty to regularly inform the European Parliament on the basic choices made within the CFSP framework. Although the European Council is obliged to submit a report to the European Parliament after their meetings (roughly four times per year), Stie (2008) argues that this “is obviously not enough to enable the public to follow the
meetings” (p.11). Another potential threat to democratic accountability is the fact that the working groups on the lower level which account for an estimate of 70% of the final decision making also work behind closed doors (Duke & Vanhoonacker, 2006, p.169).

Furthermore the Presidency has to consult the European Parliament and take its views into consideration. This same article gives the European Parliament the right to ask questions of the Council and make recommendations to it. The openness of CFSP matters ends right there; although MEPs could get informed in informal ways by the High Representative of the CFSP, the information obtained is of “limited political use and may undermine the effectiveness of formal exchanges” (Crum 2006, p. 394).

There are also some informal provisions that make sure that this first stage of accountability is fulfilled to some degree, for example article G.43 of the IIA on the financing of the CFSP provides several informational rights in favor of the European Parliament. These informational rights can be considered to be more concrete than the formal treaty provisions. However, there are signs coming from several MEPs that the provision of information, especially from the Presidency, is considered as not satisfying. These MEPs criticize the Presidency to be rather vague and general (Mittag et al., 2002, p. 94).

The second stage of giving an account is related to the possibilities of the European Parliament to interrogate the executives about the adequacy of the explaining of its conduct. This stage is not fulfilled to the same degree as the previous stage, but the European Parliament still has some possibilities to exercise control in this area. Article 21 TEU, for example, gives the European Parliament the right to have an annual debate with the Council about the progress in implementing the common foreign and security policy.

This same article also provides the European Parliament with the right to ask questions of the Council and make recommendations to it. However, as already stated before: not in any way is the Council obliged to take the European Parliament’s position into account (Diedrichs, 2002, p. 33). The provisions in this second stage of giving an account are rather small, in practice it can also be stated that the existing provisions do not, to a satisfactory degree, provide the European Parliament with the interrogating powers it needs to debate the adequacy of the executives’ explaining of its conduct.

The Council and the Commission furthermore work with classified- and restricted documents (Stie, 2008, p.14). These documents are secret and this makes it hard for the
general public, national parliaments and the European Parliament to make a decent opinion about CFSP policy making.

The third and final stage of giving an account is related to the passing of judgments by the European Parliament and the possible consequences of these decisions. It can be stated that this stage is not fulfilled within the CFSP at all. The European Parliament’s only opportunity to hold the executives accountable in this stage is by means of a motion of censure, supported by two thirds of the MEPs, against the Commission as a whole.

These provisions are not really related to the CFSP, as the Commission’s role is rather limited in this area. Most of the decisions are made by the Council, and these responsible national ministers cannot be held accountable for their decisions, at least not by the European Parliament. The powers of the European Parliament in regard to the funding of the CFSP are the hardest competences this institution possesses in this area. The European Parliament has the final say about the expenses made within this area, as these funds come from the Community budget.

In this regard it can be stated that the European Parliament can pass its judgment about the budgets of the CFSP, but by no means it has the powers to hold the European government accountable for its actions. Therefore I argue that this third stage of giving an account is lacking within the area of the CFSP.
The powers of national parliaments within the CFSP

In this chapter I would like to give some insights in a very complicated matter, namely the role of the various national parliaments of the European Union’s member states within the CFSP framework. It is needless to say that the European Union consists of a variety of different member states, which all have a different size, background and constitutional set-up. Therefore the assessment of the exact influences of their national parliaments in the area of CFSP proved to be very difficult. Nevertheless there are various similarities and patterns which can be observed, making it possible to assess the extent in which these national parliaments are able to hold the executive office holders within the CFSP framework accountable.

It will be clear that the different shape and implications of parliamentary influence in CFSP matters differ between member states and across the various stages of the policy cycle. The assessment of these influences is necessary in order to get a complete image of the total degree of parliamentary participation, which consists of a combination of the European Parliament’s powers on the one hand, and at the same time the powers of the various national parliaments on the other.

These two chapters combined pave the way for a genuine conclusion about the perceived democratic deficit of the CFSP, as described in chapter two. Some authors like Barbé (2004, p.52) argue that the democratic deficit problem has increased since the creation of the CFSP in 1993, “[...] as the progressive increase in the number of foreign policy functions performed by European institutions has led to a parallel decrease in national parliamentary control which has not been offset by substantial additional democratic controls at the European level”. However, it should be noted that the field of foreign and security policy at the domestic level never faced the same degree of parliamentary control, compared to the more traditional domestic policy fields. Nevertheless there seems a necessity for a satisfying degree of legitimacy within this framework, as these executives should be held accountable for their actions.

Within this chapter I will use the work of Mittag et al. (2002) and Tans, Zoethout & Peters (2007) to describe the differences between three different national parliaments, in respect to their powers to hold their executives within the CFSP
framework to account. It will become clear that there are significant differences between the degree of parliamentary involvement of respectively the national parliaments of Denmark and Sweden on the one hand and the national parliament of Great Britain on the other. The first two Member States have shown a higher degree of parliamentary participation within the European Union framework, whereas the parliament of Great Britain has little capacities to influence their executive office holders within the CFSP framework (Mittag et al., 2002).

In describing the powers of the European Parliament I used the five different policy stages, as presented by Smith (2000). However in describing the powers of national parliaments I will use a different approach in which I will describe the powers of the national parliaments along the lines of the three different stages of the concept “accountability” as presented by Verhey et al. (2008). Precisely because of the distance between the national parliaments and the CFSP, describing the national parliaments influence in each of these policy stages seems unnecessary and irrelevant. I will show that the degree of influence of the national parliaments within the field of CFSP differs considerably. It will also become clear to what extent national parliaments can hold their executive office holders at the European level to account within the second and third stage of the same concept.

5.1 Competences of national parliaments in the field of CFSP

Within this paragraph I will mainly focus on the degree of influence national parliaments have within the CFSP framework. National parliaments do not possess a large degree of influence in every policy stage, it’s influencing powers are mainly located in the preparation of decisions and the actual decision-making stages of the policy cycle (Mittag et al., 2002, p.107). However, influences in the early stages of the policy cycle are still rather modest, the main flow of influence national parliaments have is by means of informal contacts.

Reiderman, (2006) states that national parliaments have, in theory, more powers than the European Parliament in CFSP matters. In practice these national parliaments lack a “collective overview” (Bono, 2006, p. 440), and thus are unable to exercise control. The secret decision making structure of the CFSP prevents the national parliaments to
properly hold their administration to account (Stie, 2008). On the theoretical side of the spectrum there are significant differences between national parliaments.

Mittag et al. (2002) show that some of the national parliaments, for example the Danish Folketing and the Swedish Riksdag are to some extent involved in the preparation process of the decisions made in the field of CFSP, while other national parliaments are totally excluded from this process, i.e. France and the United Kingdom. Within this chapter I will describe two Member States with a relatively high degree of theoretical influence on the CFSP; Denmark and Sweden, and a Member State with a relatively low degree of theoretical influence on the CFSP, namely Great Britain.

5.1.1 The Danish Case

The Danish Folketing is involved both in the process of treaty ratification and in case the government enters into “[...] any obligation which for fulfillment requires the concurrence of the Folketing or which is otherwise of major importance” (Danish Constitution, Art. 19.1). This typical provision provides the Folketing with the right to decide whether a treaty will be signed or not and whether, for example, a war will be supported or not. Although the provision seems rather vague and the government could decide which matters will require the consent of the Folketing, the practice learned that the Danish government Article 19.1 of the Danish Constitution thus covers the most important issues in regard to Danish’ foreign policy and in these matters the consent of the Folketing is required.

In theory these hard types of influence (the right to withhold consent) of the Folketing seem rather restricted to the signing of Treaties and the giving of consent for matters with great importance. In practice, however, the Danish government frequently asked the Folketing for their consent on several other occasions. The government also sought the consent of the Folketing in matters which are not covered by the Danish Constitution, such as peace-keeping activities (Sorensen, 2001). This careful approach by the Danish government can be explained by the need for broad political support within the Danish fragmented parliamentary system. Laurssen (2002, p. 108) described this
approach as a strive for “[… ] continuity in foreign policy” in order to “minimize party-political struggles”.

Taking notice of the Folketing’s opinion could create a legitimate base for action and it could prevent the MPs to cast a vote of no confidence afterwards. This provision makes sure that the government really consults the Folketing on any decision which is of major importance in the field of foreign policy and the Danish political system makes sure that the government really has to take the Folketing’s opinion serious.

More specifically related to the CFSP this same article stipulates the need for the government to consult the Folketing’s Foreign Affairs Committee (FAC) before making “[… ] any decisions of major importance to foreign policy” (Danish Constitution, Art. 19.3). As one might argue, the Danish parliament has the right to be involved in this policy stage, either by giving its consent to international treaties, or by consultation in the case of decisions of major importance to foreign policy. Although this is a rather vague provision, the government should take notice of the Folketing in these matters (Laurssen, 2002, p. 109).

As already described above, the Foreign Affairs Committee is purely advisory, because it cannot give any kind of (negotiating) mandate to the Danish government. This committee contains of 17 members and the minister “[… ] can impose professional secrecy on the members when he/she gives specific information to the Council” (Laurssen, 2002, p. 109). I would argue that this is specifically the reason why matters of foreign policy are not very suitable for involvement of parliaments, as these matters sometimes require secrecy and quick reaction. Article 19 of the Danish Constitution is covering the second pillar, the CFSP pillar of the European Union.

The first pillar is covered by article 20 of the Danish Constitution and involves another committee within the Danish Folketing, the European Affairs Committee (EAC), which is more powerful compared to the Foreign Policy Committee. This committee falls under article 20 of the Constitution and it mainly covers issues related to the European Community pillar, whereas the FPC covers the Common Foreign and Security Policy pillar. The main difference between these two committees lies in the fact that the EAC can give a negotiating mandate to the government, relating to first pillar issues. The question arises, according to Finn Laursen (2002, p. 109), “[… ] where does pillar one finish and pillar two start?”.
The reaction of the Danish government to this rather vague distinction is to send most foreign policy matters, which fall within the CFSP pillar, to both the FPC and the EAC. The question can be stated what will happen if the EAC wants to use its powerful capacity to withhold a consent. Laursen (2002, p.109) states that thus far no cases occur in which the EAC forced the government to use its negotiation mandate.

Next to the FPC and the EAC there also exists a Defence Committee, but this same author argues that this Committee has not played an important role in relation to the European Union. In conclusion it can be stated that within the Danish parliamentary system there is indeed a role for the parliament in the preparation of foreign and security policy, exercised by these Committees, most prominently the FPC and the EAC.

5.1.2 The Swedish case

The Swedish national parliament, the Riksdag, is comparable to its Danish counterpart in respect to its powers in the field of the CFSP. Sweden also has important parliamentary committees that are relevant in the preparatory decision-making process on foreign, security and defence issues. The Committee on Foreign Affairs (CFA) and the Committee on Defence (CD) are the most relevant committees within this area. These two committees are part of a total of 16 standing committees of the Riskdag, and each of these committees have 17 members from the Riskdag and at least as many deputies (Herolf, 2002, p. 162). These standing committees have an important role in virtually every policy field.

The Riskdag Act, which entered into force on January 1\(^{st}\) 1995 obliges the government to inform the Riksdag on developments within the European Union. Chapter 10 article 1 reads: “[...] the Government shall keep the Riksdag continuously informed concerning developments within the framework of European Union cooperation”. Subsequently article 3 reads: “The committees shall monitor activities at the European Union within the subject areas laid down for each committee in Chapter 4, articles 4 to 6, and associated supplementary provisions”. Furthermore it is stated that the government has to deliberate with the committees in matters concerning European
Union matters decided by the committees, if at least five members of a committee request such a deliberation.

The Advisory Committee on European Union Affairs (ACEUA) meets every week, joined by the ministers who will participate in the upcoming meeting of the Council of Ministers. Issues which are being discussed in the Council of Ministers are brought up by the responsible minister and a suggestion for a Swedish position will be given to the Committee. The discussion that follows could lead to changes concerning the position of the Swedish minister in the Council of Ministers. These rights of information and consultation also arise in relation to the Riksdag as a whole. A yearly procedure to give the Riksdag some powers to scrutinize the government starts with a submitted report of the government of its activities on the European level. These reports are discussed by the various committees and subsequently are these reports used in the annual scrutiny debate on EU affairs (Herolf, 2002, p. 167).

Questions and interpellations made by members of the Riksdag are also answered by representatives of the government and once 35 members of the Riksdag propose a vote of no confidence, the responsible minister, or Prime minister must resign if this vote of no confidence is supported by at least 175 of the 349 members of the Riksdag. As one can see there are various ways the Swedish parliament can obtain relevant information on very much every European policy field. The Riksdag also has various consulting powers and several possibilities to influence the minister’s point of view within for example the CFSP (Mittag et al., 2002). However, we should take notice of the fact that for example the committee on EU Affairs comes into the decision-making process rather late. Herolf (2002, p. 168) argues that the working groups on the EU level and COREPER continuously prepare the meetings in the Council of Ministers, the Swedish government follows this pattern and makes its viewpoints known to many other actors on the European level, even before the national committee comes into play.

Hegeland (2000, p. 104) argues that although the different committees could in theory influence the government’s point of view, it seems rather weak for a government to alter its views, making it less likely that it will do so.
5.1.3 The British case

In Britain, the government has a strong control of the legislature. The House of Commons holds debates about foreign and security policy and in these debates questions can be put to the relevant ministers and prime minister. Within the Commons there are three main committees related to CFSP and ESDP, namely: the Defence Committee (DC), the Foreign Affairs Committee (FAC) and the European Scrutiny Committee (ESC). For a summary of the activities of these committees, see Allen (2002, p. 154).

However, the scrutinizing powers of the British parliament are not comparable to its Danish and Swedish counterparts. Within the British system, parliamentary scrutiny is in essence an exchange of information in which “[…] British administrative political and economic elites keep each other informed but still keep themselves aloof from the wider British society so that the reports of both the Lords and Commons select Committees rarely receive much publicity outside the circles of government” (Allen, 2002, p. 154).

Within the preparatory stages of the policy-making process it can be stated that the parliamentary influence appears to be rather marginal and that the parliament is involved only to a minor degree (Mittag et al., 2002). The House of Lords, the European Union Select Committee (EUSC) consists out of six sub committees which each deal with different type of European affairs. One subcommittee is related to the Common Foreign and Security Policy and has the power to question the UK Minister for Europe after the meetings of the European Council (Allen, 2002, p. 168). However this type of scrutiny is said to be typical of the Whitehall system; “It is essentially an in house form of scrutiny and information exchange whereby the British administrative political and economic elites keep each other informed but still keep themselves aloof from the wider British society so that the reports of both the Lords and Commons select Committees rarely receive much publicity outside of the circles of government” (Allen, 2002, p. 154). This same author argues that this lacking form of scrutiny is partly caused by the British members of parliament, who do not seem to be very interested in this area. This could be caused by the fact that in Britain the government has a muscular power over the legislature.
The decision to go to war is also very clearly situated within the powers of the British government. The nature of this decision is not relevant at all, whether it’s source lies in the ESPD or not; “The Prime Minister alone can do this and is not required formally to account for his decision to either the cabinet or the House of Commons” (Allen, 2002, p. 155). Britain is known for its unwritten Constitution and the powers to enter into a war or declare peace or even agreeing on Treaties is situated within the “royal prerogative”. These so called royal prerogative sanctions entail a wide scale of governmental actions which do not need the consent of the Parliament. The decision to go to war or the signing of a Treaty can be done without the approval of the Parliament, but in several occasions the government gave the Parliament an opportunity to debate the taken decisions, but this mainly happens after these decisions have been taken (Allen, 2002, p. 156).

It is exactly the small influence of the British Parliament that could explain Britain’s hesitations towards a larger role for the European Parliament within this area, precisely because its own Parliament does not even have these powers. Transferring powers to the European level would seem too rigorous (Allen, 2002, p. 156-157).

When we compare the British parliament with its Swedish or Danish counterparts it can be said that it does not have as much powers. For example, the decision to go to war lies entirely with the British government, led by the prime minister who is not required to formally explain his decision to the House of Commons. This situation is entirely different in Denmark, where the parliament is involved even before a decision of going to war is taken. It is evident to state that if a national parliament has a decisive say about going to war or not, it will be involved in the policy-making process as early as possible to gain goodwill for the government’s preferences.

The parliaments of Denmark and Sweden are exceptions within the beginning stage of the policy cycle (Mittag et al., 2002). These national parliaments do have some sort of influence on the points of view of their governments and are able, to some extent, to use the various committees to exert pressure on the government to take its views into consideration. In other member-states like for example the United Kingdom and France the different committees which are involved in foreign, security and defence policy have a much smaller role in this process (Mittag, et al., 2002, p. 227).
5.2 The degree of accountability

Once we assess the powers of relatively strong national parliaments like the Danish and the Swedish ones, it becomes clear that these national parliaments can hold their executives at the European level to account in all of the three different stages of giving an account. Practice learns that the secrecy of CFSP decisions makes it virtually impossible for national parliaments to scrutinize their ministers on CFSP issues (Wagner, 2006). “Moreover, none of the national parliaments seem to have neither the formal nor a de facto possibility to exercise democratic control, certainly not ex ante, but also not ex post (Stie, 2008, p. 26).

The first stage of giving an account, the duty of the accountor to fulfill his obligation to inform the forum and to explain and justify his conduct is, in theory, relatively well represented in Denmark and Sweden. The government has the obligation to keep the parliaments continuously informed about important CFSP issues (Mittag et al., 2002). Furthermore the ACEUA in Sweden, for example, has a meeting every week in which they are joined by the responsible ministers who will participate in the upcoming meeting of the Council of Ministers. These ministers will inform this parliamentary commission about the issues which will be discussed in the Council and the minister does a suggestion for a Swedish position to the Committee. After this suggestion there is an opportunity for the Committee to discuss this position with the responsible minister (Herolf, 2002).

The Accountor (minister) thus fulfills his obligation to inform the forum (parliamentary committee) and explains and justifies his conduct in the discussion that follows. The first stage of giving an account is rather well served within the Swedish and the Danish parliamentary system. In Great Britain there is no obligation for the responsible minister to inform the parliament about CFSP related issues. The parliament’s only right is to ask questions to the responsible minister, but in no way the minister is obliged to explain and justify his conduct (Allen, 2002). The government of Great Britain know a larger degree of autonomy vis-à-vis the parliament compared to its
Swedish and Danish counterparts. So the first stage of giving an account is not fulfilled to a satisfactory degree in Great Britain and France.

The second stage of giving an account, the possibility for the forum to interrogate the accountor and debating the adequacy of the explaining of its conduct, is to some extent fulfilled in Denmark and Sweden and virtually non-existent in Great Britain. In Sweden, for example, the parliament is given the right to annually discuss the government’s activities at the European level. The executives at the European level submit a report and the various committees discuss these reports in the annual scrutiny debate on EU affairs (Mittag et al., 2002). Questions and interpellations made by members of the Riksdag are also answered by representatives of the government (Herolf, 2002). Within these debates the parliament interrogates the government and debates the adequacy of the explaining of its conduct. As already stated above, these mechanisms are virtually non-existent in Member State Great Britain, in which the parliaments’ role is much smaller compared to, for example, the Swedish Riksdag.

The third and final stage of giving an account is related to the parliament which passes its judgment about the government, which could ultimately face the consequences. These mechanisms are present in both the Danish and the Swedish parliamentary system. Once 35 members of the Swedish Riksdag, for example, propose a vote of no confidence, the responsible minister, or Prime minister must resign if this vote of no confidence is supported by at least 175 of the 349 members of the Riksdag.

These three stages of giving an account are rather well presented in some Member States, like Denmark and Sweden. On the contrary, in Member States like Great Britain and France these mechanisms of giving an account are not fully present. As one can see these mechanisms of accountability differ along the axe between Denmark and Sweden on the one hand and Great Britain and France on the other.
Conclusion

The process of European integration started right after World War II when there was a need for European unification. The European Coal and Steel Community, which was created in 1951, was the starting point in this process and started out in a purely intergovernmental way. Since then the process of European integration is moving towards a more supranational style of policy-making: more and more governmental powers are transferred to the European Union. However, within the field of Foreign and Security policy there still exists a merely intergovernmental structure, as the Member States are still not ready for supranational policy mechanisms in this field.

The current situation can be characterized by the large influence of the executives at the European level, namely the national Heads of State acting in the European Council as the agenda-setters, and the national Foreign Ministers acting in the Council as the decision-makers. This structure is often criticized as being ‘undemocratic’ or ‘not legitimate’ (Barbé, 2004), as these executives cannot be held accountable by either the European Parliament and the national parliaments.

Within this research paper I started out with the description of the so called “democratic deficit” of the European Union as a whole and subsequently used this framework to describe the democratic deficit within the CFSP. I used the “collusive delegation” theory of Koenig- Archibugi (2002) to give some insights in the underlying reasons for this democratic deficit. It is shown that this democratic deficit is not simply a by-product of European integration, but it is also one of the purposes of European integration: governments pool their authority in order to loosen domestic political constraints.

This process was slowly started around the 1970s with the creation of the EPC and it can be said that in subsequent treaties the national governments continued to pool their authority in order to loosen the domestic political accountability mechanisms. Although many authors like Barbé (2004), Diedrichs (2004) and Thym (2006) argue that there exists a genuine need for democratic oversight within this field, the process of democratization of the CFSP proved to be very difficult, as it involves a redistribution of
power among actors, which is why powerful political actors like the European Council and the Council “[...] can be expected to oppose it for reasons of institutional self-interest” (Koenig- Archibugi, 2002, p. 61). In addition to this democratic deficit framework I specify the concept of accountability by using the work of Verhey et al. (2008) who divide this concept in three different stages of “giving an account”.

In order to assess the current democratic deficit of the CFSP I started out with describing the formal and informal powers of the European Parliament. Although this institution’s powers are growing in virtually every policy field, its powers within the CFSP framework proved to be rather small. Especially the related treaty principles are considered vague and not satisfying. Informal provisions like the IIA on the financing of the CFSP give the European Parliament more concrete powers in this area. The first stage of “giving an account” is related to the obligation of the executives to inform the European Parliament and to explain and justify its conduct. In respect to the CFSP it can be argued that this first stage of giving an account is, to a large degree, fulfilled.

In relation to the existing accountability mechanisms of national parliaments it is shown that there are large differences between various Member States. The first stage of giving an account is, for example, rather well fulfilled in Denmark and Sweden. Examples of parliamentary involvement within this policy stage in the Danish case are topics which included Russia, China and the Western Balkan (Laurssen, 2002, p.114). The European Affairs Committee was involved prior to the meetings in the EU General Affairs Council, and these topics were discussed within this Committee. After these meetings a written report was handed over to the Foreign Policy Committee and also to the European Affairs Committee. Laurssen (2002, p. 114) states that the situation in the Western Balkan was treated extremely cautious by the Danish government, providing information to the two committees which covered military, political, as well as humanitarian information of the situation. The parliamentary committees of Denmark and Sweden are informed by the relevant (prime-) minister(s) of the meetings of the European Council and the Council of Ministers (Herolf, 2002; Laurssen, 2002; Mittag et al., 2002). Whereas the British’ House of Commons and House of Lords is excluded from this information (Allen, 2002).

The second stage of giving an account is related to the possibilities of the European Parliament and national parliaments to interrogate the executives about the
adequacy of the explaining of its conduct. This stage is not as well fulfilled as the previous stage, but the European Parliament still has some possibilities to exercise control in this area. This stage is not as well fulfilled as the previous stage, but the European Parliament still has some possibilities to exercise control in this area. Article 21 TEU, for example, gives the European Parliament the right to have an annual debate with the Council about the progress in implementing the common foreign and security policy. This same article also provides the European Parliament with the right to ask questions of the Council and make recommendations to it. However, as already stated before: not in any way is the Council obliged to take the European Parliament's position into account (Diedrichs, 2002, p. 33).

The provisions in this second stage of giving an account are rather small, in practice it can also be stated that the existing provisions do not, to a satisfactory degree, provide the European Parliament with the interrogating powers it needs to debate the adequacy of the executives’ explaining of its conduct. As already stated in the previous chapter, the second stage of giving an account, the forum interrogating the accountant and debating the adequacy of the explaining of its conduct, is virtually non-existent in Great Britain, in which the parliaments’ role is much smaller compared to, for example, the Danish Folketing and the Swedish Riksdag.

Laurssen, (2002, p. 117) for example gives several examples in which the Danish parliament exercised its scrutinizing powers to give the government a negotiating mandate for the following European Union Council meeting; “During the parliamentary year 1999-2000 this included the following cases: European security and defense dimension, joint action on the basis of article 14 TEU concerning control of technical assistance related to certain forms of military use, and the EU’s enlargement with Central and Eastern European Countries, Cyprus and Malta (Laurssen, 2002, p. 117). The government has the obligation to keep the parliaments continuously informed about important CFSP issues.

On the other side of the spectrum Great Britain does not have these mechanisms that oblige the responsible minister to inform the parliament about CFSP related issues. These parliaments only right is to ask questions to the responsible minister, but in no way the minister is obliged to explain and justify his conduct. The government of Great
Britain know a larger degree of autonomy vis-à-vis the parliament compared to its Swedish and Danish counterparts.

The third and final stage of giving an account is related to the passing of judgments by the European Parliament and the possible consequences of these decisions. It is shown that this stage is not fulfilled within the CFSP at all when it is assessed on the European level, by the European Parliament. This third stage of giving an account is present, to some extent, in Denmark and Sweden. In Great Britain, again these mechanisms seem to be lacking. Examples of parliaments that passed its judgment on the government did not (yet) occur.

The competences for the Swedish and Danish parliament to pass a vote of no confidence are in place, as described above. However thus far it did not lead to consequences for the governments. This could partly be described by the nature of the CFSP decisions and the involvement of the parliament’s committees early on in the decision making process. The low salience- and minor impact of the CFSP issues could also explain why a government or a relevant minister did not receive a vote of no confidence yet. In Great Britain the Parliament does not have these competences, which could explain its small role within the CFSP.

The democratic deficit of the CFSP seems to rather large, both from an intergovernmental- as a supranational point of view. As a result executives at the European level can, to a large degree, escape their national parliaments’ constraining powers within the CFSP: “[...] the progressive increase in the number of foreign policy functions performed by European institutions has led to a parallel decrease in national parliamentary control which has not been offset by substantial additional democratic controls at the European level” (Barbé, 2004, p. 52). This statement seems to hold up to some extent, as there exists a huge variance between the different national parliaments’ powers. It is also shown that the European Parliament is incrementally extending its influence within this area, especially by means of informal agreements like IIAs.
References


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