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# The democratic control of military power Europe<sup>1</sup>

Wolfgang Wagner

**ABSTRACT** The development of a ESDP has raised concerns over the EU's identity as a 'civilian power'. Whereas concerns over a gradual replacement of civilian policy instruments by military force have been most prevalent, this article focuses on a neglected dimension of the civilian power-concept, namely on the repercussions of the ESDP for the democratic control of security and defence policy. It argues that the Europeanization of defence politics leads to a democratic deficit because national parliaments' capacity to control executive decisions to use military force has been weakened by the ESDP and neither the European Parliament nor the former WEU assembly has been able to compensate for this loss of parliamentary control. This democratic deficit may not only damage the legitimacy of EU-led military missions but may also compromise the EU's ability to lead by virtuous example.

**KEY WORDS** Civil–military relations; democracy; democratic peace; European Parliament; European Security and Defence Policy; WEU.

## INTRODUCTION

Since 2003, the European Union (EU) has been an active player in military crisis management: the EU has led military missions in Bosnia, Macedonia and the Bunia region in Northern Congo with up to some 7,000 troops in Bosnia and 2,000 in Bunia. The development of a European Security and Defence Policy (ESDP) has raised concerns over the EU's identity as a 'civilian power'. Most prevalent, of course, have been concerns over a gradual replacement of civilian policy instruments (such as aid, diplomacy, or sanctions) by military force (cf., for example, Smith 2000). Less attention has been paid to the repercussions of the ESDP for civil–military relations and the democratic control of security and defence policy.

To be sure, civilian control of the ESDP has never been challenged. In contrast, civil–military relations in the EU have followed the democratic role model:<sup>2</sup> the newly established Military Committee (MC, composed of chiefs of defence, represented by military representatives) and Military Staff (MS,

composed of seconded experts from the member states) are clearly subordinate to the Political and Security Committee (PSC, consisting of senior diplomats at ambassador level) and the foreign ministers in the General Affairs and External Relations Council (GAERC). The defence ministers have not even been granted a Council configuration of their own. Instead, they have only been able to meet at the fringes of the GAERC.

However, a new generation of scholars working on civil–military relations in democracies have been less concerned with ‘the threat of praetorian military intervention in domestic politics and the resultant need to enforce civilian executive control of the military’ (Cottey *et al.* 2002: 31). Instead they plead for a reconceptualization ‘in terms of democratic governance of the defense and security sector’ (Cottey *et al.* 2002: 32) and for particular attention to be paid ‘to the role of parliaments in providing oversight of the armed forces, defense policy, and the executive’s control of the military and the wider civil society debate on armed forces and defense’ (Cottey *et al.* 2002: 39).

This article argues that the ESDP, though not challenging civilian control of the military, does warrant concerns about the democratic control of defence policy in Europe. The lack of attention to this problematique is surprising for at least three reasons: first, the democratic control of foreign, security and defence policy has frequently been regarded as a defining moment of a civilian power (cf., for example, Stavridis 2001 and Smith 2004). This is closely related to a second reason, namely that democracy has been celebrated as a cause for peace in large parts of the peace research community. According to the ‘democratic peace’, ‘the participatory nature of the states’ political institutions constrains leaders because the populations who must bear the costs of war may be unwilling to do so if the costs are high or the policy fails’ (Siverson 1995: 482; cf. also Russett 1993; Russett and Oneal 2001). Thus, the literature on the democratic peace provides the theoretical foundation of why the democratic control of security and defence policy is indeed an important feature of a civilian power. Third, the deficiencies of the EU as a democracy have been subject to a lively debate but this debate has focused almost exclusively on issues of the first pillar of the EU (for an excellent overview of that debate cf. Hix 2005: ch. 6).

This article focuses on the implications of the ESDP for the democratic control of security and defence policy. It argues that the Europeanization of defence politics leads to a democratic deficit. Because the democratic control of security and defence policy can be considered an essential element of a civilian power, this aggravates concerns about the future of the ‘civilian power Europe’.

Space constraints do not allow a comprehensive discussion of the manifold aspects of democratic control of security and defence politics (for a more comprehensive discussion of the democratic legitimacy of the ESDP, cf. Wagner 2005). The second section argues, however, that the parliamentary control of deployment decisions is a key aspect of democratic control and may therefore serve as a proxy for the problem at large. The third section then demonstrates that national parliaments’ capacity to control executive decisions to use military force has been weakened by the ESDP. The fourth section sketches problems

and options of parliamentary control at the European level. It discusses the competencies of the European Parliament and the 'Interim European Security and Defence Assembly' as well as further options to strengthen transnational parliamentary control. Finally, the concluding section presents an assessment of the damage done to the EU as a civilian power by the emerging democratic deficit.

## PARLIAMENTARY CONTROL OF DEPLOYMENT DECISIONS

Security and defence politics impacts on citizens' lives in many ways: recruitment policy determines how much (if any) time young men must spend as conscripts, and the defence budget influences how much the government can dedicate to social policy, etc. The most tremendous impact, however, results from decisions on the actual deployment of troops in military missions because, in addition to their political and fiscal repercussions, citizens' lives are then put at risk. Since the end of the Cold War, the importance of deployment decisions has grown because 'peace support operations' have become more common as a number of violent conflicts have increased the demand for such missions. At the same time, the United Nations (UN) Security Council has been blocked less frequently by one of the veto powers. In 2003, the then fifteen member states of the EU had deployed some 55,000 troops in international peace support operations (Giegerich and Wallace 2004: 169). From the perspective of democratic control, deployment decisions can therefore be regarded as the most important aspect of contemporary security and defence policy.

In the literature on the democratic peace, regular free elections are considered the most important mechanism to hold executives accountable. According to Morgan and Campbell, 'leaders who have to stand for popular election should be expected to take public attitudes into account when making decisions' (1991: 190). Democracies are considered to be less war-prone because 'leaders of democratic states typically experience high political costs from fighting wars – always from losing them, and often despite winning them' (Russett and Oneal 2001: 54). In addition to free elections, Morgan and Campbell have identified the 'nature of political competition' and 'the degree to which the leader must share decision-making power' as further mechanisms to constrain political leaders. These latter mechanisms are of particular importance where deployments below the threshold of war are concerned because they are less likely to have an impact on citizens' electoral decisions (especially if they are carried out early in the election cycle). In such cases, 'parliaments are the central locus of accountability for any governmental decision-making concerning the use of force' (Hänggi 2004: 11; cf. also Morgan and Campbell 1991: 191). As elected representatives of the people, the articulation of popular interests and concerns has been a prominent task of members of parliament.

Hans Born and Heiner Hänggi have distinguished three dimensions of parliamentary power in security and defence politics: 'authority' refers to 'the power which Parliament uses to hold government accountable' and which is 'derived from the constitutional and legal framework as well as customary practices'.

‘Ability’ denotes the resources such as specialized committees, budget and staff which are necessary to make efficient use of the authority conferred upon parliament. Finally, ‘attitude’ refers to the ‘willingness to hold the executive to account’ which, among other things, depends on the extent to which legislative–executive relations are characterized by party discipline (all quotes from Born 2004: 209–11). Although each of these factors has had an influence on the effectiveness of parliamentary accountability, Born and Hänggi conclude that ‘the strongest means of parliamentary oversight by far is . . . the constitutional or legal right to approve or reject such use of force’ (Hänggi 2004: 14). In contrast, budget and staff are certainly indispensable to make use of legal authority but they *reflect* rather than cause legal powers.

Therefore, in discussing the democratic control of security and defence policy, this article focuses on parliament’s control of deployment decisions.

## THE ESDP AND THE WEAKENING OF NATIONAL DEMOCRACY

This section argues that the ESDP tends to undermine parliamentary control of deployment decisions at the national level. The general claim that a democratic deficit results from a Europeanization of policy-making has of course been well established. However, this claim has been almost exclusively substantiated with case studies from the EU’s first pillar where member state governments may even be outvoted in Council under qualified majority voting. The first part of this section demonstrates that the integration of military structures in particular brings about a similar effect. The second part then adds an important caveat, namely that this tendency to undermine parliamentary control is very uneven across the member states because member countries differ vastly as regards their parliaments’ competencies in security and defence policy. In the third part of this section, Germany’s decision to participate in the military enforcement of the no-fly zone over Bosnia in 1993 serves as an illustration.

### **The difficult parliamentary control of deploying integrated military structures**

Particularly since the Danish voters’ rejection of the Maastricht Treaty in 1992, scholars of EU politics have been concerned with a democratic deficit in European politics. Andrew Moravcsik and Klaus Dieter Wolf in particular have pointed to this ‘dark side of intergovernmental cooperation’ (Wolf 1999: 334), i.e. that ‘international cooperation tends to redistribute domestic political resources toward executives’ (Moravcsik 1994: 7). According to Moravcsik, a loss of control over the executive results from four causal mechanisms: first, international co-operation enhances the executive’s control over the domestic agenda because the international agenda has been ‘cartelized’ between national leaders. Second, once *international* agreement has been reached, it ‘may be costly, sometimes prohibitively so, for national parliaments, publics or officials to reject, amend or block ratification of and compliance with decisions reached

by national executives in international fora' (Moravcsik 1994: 11). Third, international co-operation gives executives privileged access to information about the political constraints of other governments and about the technical consequences of alternative policies. Finally, executives can impose an initial ideological 'frame' on an issue which is difficult for domestic groups to challenge.

This general trend of privileging the executive in the process of Europeanization is exacerbated in security and defence policy by the integration of military forces on an international level.<sup>3</sup> If forces have been integrated, any state's decision against its participation in a mission *de facto* frustrates the entire deployment because other states' forces cannot work effectively without the missing state's contribution. As a consequence, states whose forces have been integrated on an international level may come under heavy peer pressure from those states that advocate the use of joint forces.

Since the end of the Cold War, EU member states have faced strong incentives to integrate their military forces. First of all, shrinking defence budgets in all member states have made their efficient spending more pressing. Member states have therefore been more prepared to participate in joint armaments projects and to engage in role specialization in order to obtain more value for money (Schmitt 2003). Furthermore, the integration of military forces has been promoted for political reasons. With the common threat to Western European security disappearing, experts and decision-makers across Europe have been concerned about a renationalization of security and defence policies. The integration of military structures has been a powerful instrument to give credibility to the commitment to prevent a renationalization of defence policies.

### **An uneven democratic deficit**

The degree to which a Europeanization of security and defence policy undermines parliamentary control at the national level not only depends on the degree to which military forces have been integrated but also on the level of parliamentary control over security and defence policy in the first place. Among the EU member states, there have been huge differences as regards parliaments' competencies in security and defence policy.<sup>4</sup> In former colonial powers, for example, governments are usually allowed to deploy troops without the consent of parliament (Born and Urscheler 2004: 64f.). Thus, the governments in France and the United Kingdom decided to participate in North Atlantic Treaty Organization (NATO) air strikes against Serbian targets in 1999 without having consulted parliament. In a similar vein, no parliamentary approval is required in Spain, Belgium and Greece.

In contrast, the consent of parliament prior to any deployment of troops has been required in Germany, Austria, Denmark, Sweden, Ireland, and many of the new member states from Central and Eastern Europe. In Hungary, even two-thirds of the Members of Parliament must vote in favour of a deployment. In Italy and the Netherlands, governments have regarded parliamentary approval as indispensable although there has been no constitutional requirement

to do so. However, in some of these countries, the deployment law provides for exceptions from and modifications of the general rule of parliamentary approval. In Austria, parliament has delegated its right to approve or disapprove of military deployments to a standing committee ('Hauptausschuss') which has participated in the exercise of various executive tasks. Moreover, the government may deploy troops without parliamentary approval if urgency does not allow for it. In this case, a debate must be held within fifteen days. In case parliament does not endorse the deployment, the respective troops have to be ordered back.

Yet another exemption from general parliamentary approval can be found in Sweden: here, the government may deploy troops without consulting parliament if the deployment takes place within the framework of multilateral security institutions. In particular, deployments based on a 'standby agreement' as provided by article 43 of the UN Charter do not require the consent of the Riksdag. Similarly, deployments based on international agreements that have been endorsed by parliament are exempted from further approval. In Ireland, there has been still another exemption from general parliamentary approval for deployments consisting of less than twelve armed soldiers.

This brief survey of deployment law underlines the differences among EU member states with regard to parliament's role in security and defence policy. As a consequence, the 'dark side of international co-operation' can be felt in the EU member states to very different degrees.

### **Parliamentary accountability versus alliance solidarity: the case of Germany**

As the EU has only begun to assume a role in peace support operations, it has not yet experienced severe conflicts between the demands of military integration, on the one hand, and parliamentary control, on the other hand. In this section, therefore, the case of Germany in NATO will serve as an illustration. Of course, NATO differs from the EU in many respects, most importantly as regards the dominant role of the US which retains a fully-fledged unilateral military capability. At the same time, however, NATO and the EU resemble each other in one important respect of relevance here, i.e. in having developed a strong sense of common identity and solidarity. As a consequence, NATO as well as EU members tend to include their fellow members' concerns in their definition of security interests (Risse-Kappen 1995; Risse 2001; Sjørusen 2004). Moreover, the case of NATO's Airborne Warning and Control System (AWACS) fleet comes very close to what the EU envisions in terms of military integration and role specialization. Thus, conflicts very similar to that experienced by Germany in NATO are likely to arise in the EU, especially if it realizes the 'Headline Goal 2010' which provides for the creation of multinational, integrated 'battle groups'.

Germany is particularly suited to illustrate the conflicting demands of military integration and parliamentary control. As a consequence of two world wars and the atrocities of the Wehrmacht, Germany has been a champion of both multilateralism and antimilitarism (among many others, see Anderson and Goodman 1993; Berger 1998). Since the fierce debate over rearmament in the 1950s, a reluctance to use military force and a commitment to multilateralism became prime pillars of post-war German security policy. However, since the end of the Cold War and the growing number of peace support operations out of area, tensions between these two principles have mounted.

Right after the Cold War, a participation of the Bundeswehr in out of area missions was widely opposed in Germany. Indeed, the German government refrained from sending the Bundeswehr to the Persian Gulf in 1990–91. At the time of the Gulf crisis of 1990–91, German politicians were eager to demonstrate the country's peacefulness and were 'surprised that the USA and Israel, among others, condemned Germany for not contributing militarily against Iraq' (Philippi 2001: 51). German decision-makers had to realize that its NATO partners now expected Germany as an ally to make a substantial contribution to non-article 5 operations (Baumann 2001: 166). Moreover, they realized that 'similar behaviour in a future conflict would probably result in a crisis with its major allies' (Philippi 2001: 51). From then on, German governments aimed at overcoming the antimilitarist culture as an obstacle to the deployment of the Bundeswehr out of area. For this purpose, 'reliability as an ally' and 'alliance solidarity' became prominent arguments in the German debate over out of area missions (cf. Schwab-Trapp 2002). These arguments were buttressed by references to integrated force structures of which the Bundeswehr had been part. References to Germany's participation in NATO's AWACS illustrate this point: AWACS has been designed to recognize enemy aircraft over a given territory, most importantly in the event of an attack (defensive function). In addition, it may help to identify and select targets for air strikes (offensive function). In 1993, NATO offered its AWACS fleet to enforce the no-fly zone over Bosnia which the UN Security Council had agreed on. The German government's decision not to withdraw Bundeswehr personnel from AWACS met considerable criticism from the opposition and even from within the governing coalition. Thus, in early 1993, the Federal Constitutional Court (FCC) had to give a preliminary ruling on whether the participation of the Bundeswehr violated the German constitution as the opposition argued.<sup>5</sup>

With a narrow margin of 5:3 votes, the FCC endorsed the government's decision to have the Bundeswehr participate in AWACS's mission over Bosnia. Concerns about alliance solidarity and reliability played a decisive role in the judgment. The Court noted that the Bundeswehr made up for around 30 per cent of AWACS's personnel. As a consequence, a withdrawal of German soldiers at the very moment of this mission would endanger the enforcement of the no-fly zone over Bosnia. Furthermore, 'allies and European neighbours would inevitably lose trust in German policy; the resulting damage would be irreparable.'<sup>6</sup> Thus, the fact that the Bundeswehr participated in an



integrated military structure played a decisive role in legitimizing Germany's first combat (in contrast to humanitarian or peace-keeping) mission out of area. Since then, the scope of Germany's contribution to out of area missions has grown continually (cf. for an overview Baumann and Hellmann 2001).

In the main judgment of July 1994, the FCC affirmed the principle that any deployment of the Bundeswehr must obtain parliamentary approval in advance. According to the FCC, the use of the armed forces is not within the executive's sole discretion but as a 'parliamentary army' part of the democratic constitutional order. However, the principle of advance parliamentary approval is circumscribed in two cases: 'The participation of the Bundestag in a specific decision to deploy troops that constitutional law requires must not compromise Germany's ability to defend itself (*Wehrfähigkeit*) and to make alliance commitments (*Bündnisfähigkeit*)' (author's translation).

Since the FCC's ruling, the Bundestag has dealt with more than thirty deployments of the Bundeswehr (including the prolongation and extension of missions) (Meyer 2004: 19–20). However, this practice has again come under pressure since NATO's Prague summit decided to set up a multinational 'Response Force' that could be deployed for the most demanding peace support missions within a few days. The deployment of the NATO Response Force (NRF) was simulated at an informal NATO summit in Colorado Springs in October 2003. It soon became clear that a rapid deployment could be endangered by the required advance approval of the German parliament. As with AWACS, German troops would play an essential role in the NRF. In contrast to AWACS, however, even a belated 'green light' would possibly cause problems. As a consequence, German Defence Minister Struck immediately launched a debate about a reform of Germany's parliamentary proviso. Struck's suggestion was supported by his American colleague, Donald Rumsfeld, who urged NATO members 'to bring NATO's decision-making structures up to date so that NATO military commanders can take decisive action against fast-moving threats in the 21st century'.<sup>7</sup>

To be sure, the conflict between the democratic control of the armed forces and the demands of alliance politics is nowhere likely to be as intense as in Germany where both demanding standards of parliamentary control and multinational integration were designed to prevent a resurgence of militarism. However, similar though possibly less intense conflicts are likely to occur in other states with traditionally high levels of parliamentary control as well. Moreover, the EU might become the prime forum for such conflicts to the extent that the ESDP steps into NATO's footprints. In particular, the project of EU 'battle groups', i.e. small, integrated multinational forces to be deployed at short notice, is likely to result in conflicts very similar to those over the NRF. Moreover, the EU comprises a couple of member states that remained aloof from military alliances during the Cold War. As the brief survey of member states' standards above demonstrated, many of these states (e.g. Austria, Ireland and Sweden) have had high standards of parliamentary control similar to those in Germany.

## PROSPECTS OF PARLIAMENTARY CONTROL AT THE EUROPEAN LEVEL

The emerging democratic deficit at the national level has led to calls to compensate for the weakening of national parliaments with a strengthening of supranational or transnational parliamentary institutions. This section therefore explores the prospects of redressing the democratic deficit at the European level. It begins with a discussion of the competencies of the European Parliament (EP), then proceeds to analyse the merits of the 'Interim European Security and Defence Assembly', and finally presents some further options for transnational parliamentary collaboration.

### The limited powers of the European Parliament

The member states have only hesitantly endowed the EP with competencies in foreign, security and defence policy. In fact, the establishment of European Political Cooperation outside the Treaty Establishing the European Community and the establishment of the Common Foreign and Security Policy as a distinct pillar of the EU was primarily driven by a desire to keep the supranational institutions' competencies limited.

While the EP has established itself as an actor in foreign and security policy, the ESDP has remained aloof from the EP's involvement. Article 21 of the Treaty on European Union (TEU) which obliges the Presidency to consult the EP 'on the main aspects and the basic choices of the common foreign and security policy' and to 'ensure that the views of the European Parliament are duly taken into consideration' does not even mention the ESDP explicitly. However, this wording has not prevented the Presidency and the Council from extending consultations informally to the realm of the ESDP (Mammonas 2003: 5; Gourlay 2004: 188f.). One member of the EP's foreign affairs committee even observed that the High Representative, Solana, and the Commissioner for External Affairs, Chris Patten, discussed external affairs with the committee more frequently than their national counterparts with national parliaments. As these habits underline, the scope of article 21 should be extended to security and defence policy. Indeed, the constitutional treaty suggests a respective rewording. According to article I-40 (8), 'The European Parliament shall be regularly consulted on the main aspects and basic choices of the common security and defence policy. It shall be kept informed of how it evolves.'

Over the last couple of years, the EP has begun to redress the lack of resources devoted to the ESDP (cf. Brok and Gresch 2004). Whereas its foreign affairs committee devoted a considerable part of its resources to the enlargement process during the fifth parliamentary term (1999–2004), the current committee has established a subcommittee on security and defence which is a clear indicator of future priorities. Since 2002, an interinstitutional agreement gives the Council the possibility of sharing classified documents with a small committee of the EP. As Catriona Gourlay has pointed out, this 'agreement does not,

however, confer rights on the parliament to receive access to classified information but rather gives the Council the right to share classified information where it is appropriate and possible in the light of the nature and the content of the information' (Gourlay 2004: 190). Furthermore, the EP has endeavoured to cultivate good relations with NATO's Parliamentary Assembly (PA). Since 2001, the EP has sent a delegation to the PA's sessions. Moreover, there have been joint sessions of EP and PA committees. In doing so, the EP has demonstrated its ability to foster relations with those NATO countries that are not members of the EU. Drawing on the three factors determining the effectiveness of parliamentary oversight, one can conclude that the EP has now begun to enhance its ability to use its legal powers. Notwithstanding these improvements, however, the EP's overall powers in security and defence policy are still rather limited. Most importantly, the member state governments have no obligation to even consult the EP before deciding on the deployment of troops. As regards this crucial aspect of defence politics, the EP can therefore hardly compensate for the weakening of parliamentary control at the national level.

### **The 'Interim European Security and Defence Assembly'**

The transfer of operational tasks from the Western European Union (WEU) to the EU has led to the odd situation that a further supra- or rather transnational parliament has been involved in European Security and Defence Policy: the WEU's Parliamentary Assembly. Because the WEU's mutual defence commitment exceeds that of NATO, members of the WEU preferred not to dissolve the WEU but only to transfer its operational tasks to the EU. The decision not to dissolve the WEU Treaty also implied that its article IX, according to which the Council of the WEU submits an annual report to the WEU Parliamentary Assembly, remained valid. At the time, some urged the Parliamentary Assembly to dissolve itself. Instead, the parliamentarians, who are not elected directly but nominated from national parliaments, decided to rename it the 'Interim European Security and Defence Assembly' and to continue their work.

The 'Interim European Security and Defence Assembly' may even claim several comparative advantages over the EP in scrutinizing the ESDP: First, the interim assembly's composition of national deputies fits the ESDP's inter-governmental structure well. After all, national governments will retain prime responsibility for the foreseeable future. Thus, it appears appropriate to delegate democratic control of the ESDP to national parliamentarians in a transnational institution. Second, the interim assembly assembles deputies from twenty-eight members of the 'WEU family' (as the assembly's homepage puts it). In addition to twenty-three EU members (i.e. all EU states except Malta and Cyprus), this includes Bulgaria, Romania, Turkey, Iceland and Norway which are members of NATO but not of the EU and whose appropriate involvement in the ESDP has been heavily contested (cf. Missiroli 2002). Thus, the interim assembly could contribute to good relations between the EU and European NATO members on a parliamentary level.

These advantages of giving the interim assembly a prominent role in the democratic control of the ESDP are balanced by several disadvantages. Firstly, the members of national parliaments currently participating in the WEU/interim assembly do not always belong to the defence and foreign affairs committees in their respective parliaments, since they usually also participate in the Council of Europe Assembly. However, most importantly, a second chamber for the democratic control of the ESDP adds further complexity to the institutional system of the EU. Such an increase in complexity would conflict with transparent and clear-cut lines of accountability which are a prerequisite of democratic legitimacy. Moreover, an institutional separation of the ESDP and other issues of external relations seems artificial and difficult to maintain. At a time when the EU's 'double executive' in external affairs begins to merge in order to increase policy coherence, as suggested in the draft Constitutional Treaty, it seems odd to create a 'double legislative' to supervise external policies. What is more, turf battles between the EP and the interim assembly are inevitable.

As a result, the interim assembly has been more and more marginalized in European security and defence politics and is likely to suffer from a further loss of attention when the EP dedicates more resources to the ESDP. As a consequence, the interim assembly's capacities to compensate the emerging democratic deficit on a national level have been very limited and are likely to decline even further.

### **Options for transparliamentary control of the ESDP**

As the previous paragraphs made clear, neither the EP nor the interim assembly has been granted sufficient competencies to compensate for the democratic deficit that the Europeanization of defence politics has brought about at the national level. Since the EP has reinforced its ability to monitor the ESDP at a *supranational* level, the main challenge ahead lies in improving the *transnational* scrutiny of the ESDP, particularly as the interim assembly has been increasingly marginalized.

Ultimately, it is the national parliaments themselves which have to decide how to organize an exchange of information and points of views. After all, the success of inter-parliamentary co-operation depends first of all on delegates' efforts and commitment. Four options can be suggested for discussion.

First, of course, a new institution could be established. The latest proposal in this vein was submitted to the 'Constitutional Convention'. Its President, Valéry Giscard d'Estaing, proposed a 'Congress of European Peoples', composed of members of the European and the national parliaments, that would meet on a regular, possibly annual, basis. However, the proposal was suspected of intentionally weakening the EP. Mainly for this reason, it did not find a majority among the delegates in the convention and was dropped from the final version of the Treaty for a European Constitution.

Second, inter-parliamentary co-operation in security and defence policy could be organized by the EP (Gourlay and Tappert 2004). Such an endeavour

could build upon inter-parliamentary co-operation on issues of the European Community's first pillar (for an overview cf. Maurer 2003). Here, joint sessions of EP committees with their national counterparts have served to exchange information and views. Moreover, joint committee sessions have given members of national parliaments the opportunity to address EU officials directly. So far, this instrument has hardly been used in foreign, security and defence policy. However, the new subcommittee on security and defence may choose to make inter-parliamentary co-operation a priority of its work.

Third, the 'Conference of Community and European Affairs Committees of Parliaments of the European Union' (COSAC) could make security and defence policy a new focus of its work. What makes the COSAC an interesting institution to build on is that it has not been a creation of the member state governments but an example of parliamentary self-organization resulting from an initiative of the then President of the French Assemblée Nationale, Fabius. Thus, it has been a successful and visible expression of national parliaments' desire and capacity to strengthen inter-parliamentary co-operation. Since 1989, national European affairs committees as well as the EP each delegate six deputies to the COSAC meetings which take place twice a year before the meeting of the European Council. The COSAC has so far focused almost exclusively on institutional questions. In contrast, issues of security and defence have played only a marginal role (Mittag 2003: 97). The COSAC's focus would be easy to change, however, exactly because it has been an exercise in parliamentary self-organization and does not depend on intergovernmental conferences to change its statute. In order to give security and defence policy a more prominent role, the COSAC would have to give members of national parliaments' foreign affairs and defence committees access to the COSAC. This, of course, requires the members of the European affairs committees to share some of their powers. Moreover, member parliaments' delegations should become more representative of the party pluralism in national parliaments (Hilger 2002). It remains to be seen whether this turns out to be a significant obstacle to making the COSAC the centre of multi-level parliamentary control in security and defence policy.

Finally, efforts to organize inter-parliamentary co-operation in security and defence could of course build upon the interim assembly whose merits have been discussed above. As mentioned above, however, the EP tends to regard the interim assembly more as a competitor than a collaborator. The interim assembly could, however, seek stronger ties with the COSAC. For example, the interim assembly could aim at becoming some kind of COSAC security and defence chamber.

Taken together, the responsibility for democratic legitimacy should not be left to national parliaments alone. Because the Europeanization of security and defence policy tends to weaken national parliaments *vis-à-vis* their executives, a multi-level system of parliamentary control seems most appropriate. In addition to national parliaments' tasks, such a system would include a strong EP and some form of inter-parliamentary co-operation comprising both the European and the national parliaments. As regards the EP, the

constitutional treaty would contribute to an enhanced supranational input legitimacy. Although the EP would not acquire competencies akin to those in common market legislation, its competencies in foreign policy would be explicitly extended to security and defence policy. As regards inter-parliamentary co-operation, several institutional venues appear possible, and it is up to the members of national parliaments in particular to organize co-operation.

## CONCLUSION

The analysis of parliamentary control of deployment decisions has pointed to a democratic deficit in the EU's security and defence policy. To be sure, other dimensions of democracy may suffer less and some (e.g. transparency and openness of decision-making) may even gain from a Europeanization of security and defence politics. In terms of the dimension of parliamentary control on which this paper has focused, however, a democratic deficit has emerged.

At first glance, this should not come as a surprise as EU politics has become familiar with the notion of a democratic deficit ever since European integration went beyond the establishment of a free trade area. However, it seems worthwhile noting some differences between the democratic deficit in the first pillar and the one in the ESDP: first, the extent of the democratic deficit depends on the traditional level of parliamentary control of security and defence politics in the member states. As a consequence, the democratic deficit differs widely across the member states. Second, the impact of security and defence policy may, of course, be much more noticeable than many domestic issue areas. After all, security and defence policy does imply the possibility of sending citizens to a battlefield. As a consequence, a severe policy failure (such as high casualties in a EU-led military mission) may not only damage support for and legitimacy of the ESDP but of the EU as a whole (see below).

From the normative viewpoint which has inspired much of the civilian power literature, the democratic deficit in the ESDP must appear alarming as the democratic control of security and defence policy has frequently been counted among the defining features of a civilian power. More specifically, the democratic deficit in security and defence politics may damage the EU as a civilian (and civilizing) power in several ways: first, following the core claim of democratic peace research, a mounting democratic deficit in EU security and defence policy may ease the use of force since institutional constraints have been weakened.<sup>8</sup> As the example of Germany has illustrated above, opposition against the use of force is easier to overcome for executives if security and defence politics have been internationalized.

Second, the democratic deficit in the ESDP may damage the legitimacy of EU-led military missions. If input legitimacy for the deployment of armed forces via parliamentary debate and approval has been weakened, a mission's legitimacy becomes largely dependent on its output. As a consequence, any failure (e.g. high casualties) may severely damage support for the EU's defence policy or even the EU in general.

Third, the ability of the EU to lead by virtuous example – a central feature of the EU's normative power (Manners 2002: 244) – may be compromised. If the EU continues to regard the spread of democracy (and, by extension, the democratic control of security and defence policy) as an instrument to promote peace, its own democratic deficit would render it vulnerable.

Given these negative consequences of the ESDP for the EU as a civilian power, the EU should make more efforts to improve parliamentary control of the ESDP at the supranational and transnational level.

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## NOTES

- 1 I have benefited from discussions at the CIDEL workshop in Oslo in October 2004, at the EUSA conference in Austin in March 2005, and at a seminar at the University of Oslo in April 2005. In particular I would like to thank Helene Sjursen, Michael Bothe, Erik O. Eriksen, Carlos Closa, Matthias Dembinski, Anna Geis and Knud Erik Jørgensen.
- 2 On civil–military relations cf. the classical work by Huntington (1957) as well as Feaver (2003).
- 3 Respective concerns have been voiced, among others, by Hummel (2003) and by Bono (2004). Matthias Koenig-Archibugi has even argued that the disentanglement from parliamentary control has been an important driving force for EU governments to advocate a Europeanization of foreign, security and defence policy (cf. Koenig-Archibugi 2004).
- 4 A good overview has been given in the Assembly of the Western European Union, the Interim European Security and Defence Assembly, National Parliamentary Scrutiny of Intervention Abroad by Armed Forces Engaged in International Missions: The Current Position in Law (Doc. A/1762), Paris, 2001. This report treats all then EU members except for Ireland and Austria. Parliamentary competencies in Denmark, France, Germany, Sweden, the United Kingdom and Poland are further treated in Mittag (2003). See also Siedschlag (2002).
- 5 After a previous preliminary ruling on German participation in monitoring a maritime embargo against Yugoslavia and a further preliminary ruling on the Bundeswehr's participation in the United Nations Operation in Somalia (UNOSOM) II, the main ruling was made in July 1994 (BverfG E [decisions of the Federal Constitutional Court] vol. 90, 286, II, pp. 286–394). However, we will focus on the preliminary 'AWACS' ruling because it was part of the decision-making process on Germany's first combat mission.
- 6 BverfG E vol. 88, 173, II, p.183, author's translation.
- 7 US Department of Defense, News Transcript, Press Conference with Secretary Donald H. Rumsfeld and NATO Secretary-General Lord Robertson; Wednesday, 8 October 2003.
- 8 This concern may turn out to be the least important, however, because the integration of military forces not only weakens parliamentary control at the national

level but at the same time creates new institutional constraints at the international level (cf. also Dembinski *et al.* 2004). Just as a single state faces growing difficulties to *block* the collective use of integrated forces (as Germany experienced with regard to AWACS), it has become equally difficult for a single state to *trigger* the collective use of integrated forces. Thus, states that have engaged in role specialization and the integration of military forces may soon find themselves in a 'joint decision trap' (Scharpf 1988): they are no longer capable of deciding on the use of their military individually because key capabilities (such as long-range airlift) have effectively been 'communitarized'. At the same time, a joint decision on the use of force can only be achieved after each member to an integrated structure has given its consent.

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