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Abstract

In the post-Cold War international system, parliaments have gained a particular place in the dense network of international relations, traditionally monopolised by executives. Parliaments are increasingly expected to contribute to resolving complex foreign policy and international issues impacting more and more on citizens' lives. The paper reflects on the gradual parliamentarisation of an EU polity so much dominated by Member States: foreign policy. It analyses the nature of the European Parliament's actorhood in international relations, the EP's emerging role in EU foreign policy as well as the tools and powers available to exert influence on the Union's decisions and relations. It finally concludes that EU foreign policy can become efficient *and* democratic at the same time in the process of building an EU „representative democracy“.

Keywords

European Parliament, EU foreign policy, parliamentary diplomacy, parliamentary control, international relations.

“...take this as a maxim, that it is not enough to give things their beginning, direction, or impulse; we must also follow them up, and never slacken our efforts until they are brought to conclusion...”

(Francesco Guicciardini, Florentine statesman and historian, 1530)

Introduction*

In ancient Greece, the role and aims of diplomatic missions were subject of open deliberations by the citizens in the assembly of the polis. Views on the required policies towards the other city states and how to execute them were discussed in a transparent manner. The polis' envoy, upon arrival in the recipient city state, was expected to make a public statement in the local assembly to share the messages of his mission (Hamilton and Langhorne 2011). This, supposedly, was motivated by the need to create mutual trust to build a relationship on.

History and the development of democracy, however, are not linear undertakings. What the ancient Greeks once considered being a pre-condition of inter-polis relations, i.e. a “foreign” policy pursued in a rather open and transparent manner, has not become an evident feature of international relations over time. Kings and monarchs soon monopolised on the handling of *their* relations with both friendly and hostile partners, cities, entities and, later, states. With the emergence of an international order based on nation states, the low focus on public scrutiny has become a systemic feature of diplomacy and a major institutionalised element in the conduct of a state's foreign policy (Batora 2010: 18). Initiating external policies, formulating and representing the vital external interests and priorities of a community of citizens have emerged as a prerogative of the government, a particular branch of the state, where – as traditionally conceived - a considerable degree of flexibility, secrecy and rapid response (Albertini 2010: 1 and Foley 2007: 120) are required to successfully and efficiently promote those interests towards the outside world. Consequently, “instrumental efficiency” (Batora 2010: 2) rather than democratic participation (Keukeleire and Delreux 2014: 88) has become the traditional *Leitmotiv* of foreign policy.

The twentieth century has seen significant changes in the handling of exclusive government privileges. The international system developing after World War II, with roots and initiatives in the pre-war period, has generated a strong need for more cooperation in which the executives, under the pressing circumstances of a bipolar international regime, take the lead and act on behalf of their states. International relations witnessed increasing institutionalisation.

The end of the Cold War, with the collapse of the Soviet Union and its suppressive regime, produced more states than ever and also more democracies. Democracy, both as an ideal and a set of political institutions and practices, has triumphed in most of the countries of the world (Beetham 2006: 1) and parliamentary democracy has spread world-wide: the number of electoral democracies has grown from only 30 in 1975 over some 66 in 1987 to 121 in 2003 (Emerson 2003 and Freedom 2003). Democracy has become a “universal value”, as recognised by the 2005 United Nations World Summit.

In the post-Cold War era, new and other transnational actors and stakeholders including parliaments emerge to respond to the demands of an increasingly interconnected and institutionally

* The views expressed in this paper are those of the author and do not necessarily correspond to the position of the European Parliament. The author wishes to express its deep gratitude and thanks for the invaluable support and encouragement provided during my EU fellowship at the European University Institute in Florence between January and June 2014 and in writing this paper, particularly to colleagues in the European Parliament's Directorate-General for External Policies, Director-General Marco Aguiriano Nalda, former Director Agnieszka Walter-Drop and former Head of AFET Secretariat Silvio Gonzato as well as to the Director of the EU's Robert Schuman Centre for Advanced Studies (RSCAS), Brigid Laffan, Professors Adrienne Heritier and Ulrich Krotz at the RSCAS as well as Professor Marise Cremona at the EUI Department of Law.

integrated world (Gram-Skjoldager 2011: 20), to growing economic interdependence and to ever-more complex global issues. The interdependence of the globalised world disrespects the boundaries between what is considered national and what international authority (Gram-Skjoldager 2011: 6). Alternative centres of international analysis and activism (non-governmental organisations, advocacy groups, representation of corporate interests etc.) provide their own interpretation of the new international order along their own interests, priorities and goals (Foley 2007: 127) resulting in the “disintegration” of traditional government dominance in international relations and foreign policy. According to Thym, “the new pluralism of international actors challenges the traditional assumption of uniform external relations which is conducted by the executive” (Thym 2009: 315).

The expansion of the model of liberal democracy throughout the world also meant that parliamentarism as a means to legitimise complex government policies and initiatives has become widely accepted. In democratic societies it is increasingly difficult to sustain the traditional notion that foreign policy is incompatible with democratic decision-making and scrutiny (Batora 2010: 1) and that state sovereignty in that domain is the exclusive, unquestionable competence of governments, as the perceived sole representative of the state. Contrary to their predecessors, today’s political leaders do not only have to master domestic pressures triggered by media and public opinion but they are expected to act within democratic arrangements (Krotz and Maher 2011: 573) when promoting policies and pursuing “complex diplomacy” (Kerr and Wiseman 2013: 343). Acknowledging that foreign and security policy, and international law and politics in general, have a direct (and sometimes dramatic) effect on citizens’ lives in today’s globalised and interconnected world, their backing by citizen representatives is necessary to achieve public acceptance and trust of these policies. The view, however, continues to prevail that the public is not fit to be heard in foreign policy decision-making given the peculiar nature of this field of interaction.

On the other hand, a considerable disillusionment and public apathy are increasingly present in modern liberal democracies (Beetham 2006: 1). In many countries, the parliament, the core institution of democracy, is facing a legitimacy crisis. While suffering a decline in public confidence (Welle 2013: 21), simultaneously policy-makers risk being overwhelmed with the growing demand for highly specialised expertise (Peters et al. 2011: 1). They are increasingly challenged by the need to strike a balance between legitimacy (the sense of common identity creating reciprocity and solidarity) and efficiency (rapid decisions, clear control, good feedback etc.) to achieve efficacy (Welle 2013: 26). Can foreign policy be democratic and efficient at the same time? The response concerns no less than the quality of democracy we aspire.

The present paper aims at examining the role and functions of parliaments in shaping and controlling foreign policy, with a strong focus on the European Parliament’s post-Lisbon role and competences in parliamentary diplomacy and oversight.

1. Shaping and controlling foreign policy: parliamentary diplomacy and oversight

1.1 Foreign policy and diplomacy

The scope and content of the terms “foreign policy” and “diplomacy” have significantly widened, particularly under the new international circumstances of the post-Cold War period. It continues to consist, as all other policies, of a particular set of objectives which a state wants to attain in its relations with international partners (Hamilton 2010: 2). Today hardly any subject seems to escape being the legitimate subject of international relations (Berridge and James 2003: ix). While, traditionally, foreign policy has always comprised those policies of security, defence and diplomacy which a state pursued in relation to the outside world (Ibid: 107), today’s comprehensive understanding of this policy domain comprises not only these fields of “high politics” (Rana 2011: 17) but also other areas like economic policy, development policy, international trade (Thym 2009: 312)

as well as a growing number of the external aspects of some domestic policy fields i.e. environment policy, home affairs, data protection, just to name a few. A widening scope of foreign policy also adds to the growing politicisation of this policy domain.

Diplomacy, in a narrow sense, has remained unchanged: the conduct and method of a state to promote its interests externally, primarily in the form of negotiation and through officials based in the capital or deployed abroad (Berridge and James 2003: 70). Diplomacy means formalised relations usually between independent political entities, generally states, for the purpose of attaining strategic goals and achieving mutually beneficial results (Hamilton 2010: 2-3.). It is often considered being synonymous to foreign or external affairs, which basically mean the conduct of foreign policy.

In a wider sense, however, twenty-first century diplomacy is defined as a process of communication and representation aimed at facilitating interaction between different entities and individuals (Kerr and Wiseman 2013: 4), not exclusively states. Diplomacy is not simply “diplomacy” anymore but commercial diplomacy, economic diplomacy, business diplomacy, open diplomacy, coercive diplomacy, preventive diplomacy, bomber diplomacy, paradiplomacy etc. and...parliamentary diplomacy. Consequently, the range of international actors has considerably expanded already comprising, beside governments, other state actors like parliaments, non-state actors or “para-diplomatic actors” such as international organisations, NGOs, civil society groups, multinational companies, financial corporations and various individuals as well. They create a dense network of international relations (Gram-Skjoldager 2011: 1) in scope and intensity never experienced before. In this web of interactions between a multiplicity of actors, parliaments have gained a particular place.

1.2 Parliamentary diplomacy and “open international relations”

In the first point of Woodrow Wilson’s famous fourteen points, which set out his very principles of the post-World War I international regime, the US President expressed the view that “open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view.” Later, when explaining in more detail his stance in a letter addressed to the Secretary of State Robert Lansing on 12 March 1918, he went on to opine that “...when I pronounced for open diplomacy, I meant not that there should be no private discussions of delicate matters, but that no secret agreement of any sort should be entered into and that all international relations, when fixed, should be open, above board, and explicit” (Quoted by Berridge and James 2003).

Certainly, he - in 1918 - did not have explicitly parliaments in mind when discussing, in a perhaps premature manner, his ideals of new and open international relations based on more transparency and public involvement. He might have echoed the views of British Prime Minister Palmerston, who acknowledged a couple of decades earlier that “...opinions are stronger than armies and may in the end prevail against the bayonets of infantry, the force of artillery and the changes of cavalry” (Quoted by Lloveras 2011: 7).

According to the democratic doctrine of “open international relations”, the public’s opinion matters as does the public demand for more transparency in decision-making in foreign policy and international politics. Although in the exclusive world of diplomats there was/is little sympathy for openness (Kerr and Wiseman 2013: 196), the public has become increasingly aware about the impact those diplomats’ activities have on their lives (Nowotny 2011: 155). Growing sensitivity resonates in parliaments, among those people elected to “have a fine-tuned sense” of the policies, interests and priorities and to be able to translate them into instructions to government, resulting in greater parliamentary involvement in shaping and controlling foreign policies. Parliaments as institutions and the citizens’ elected representatives individually are expected to contribute to resolving complex foreign policy and international issues impacting on citizens’ lives. Such particular parliamentary activities are often defined as parliamentary diplomacy.

There seems to be no overall agreement on what exact scope and content parliamentary diplomacy entail. The term might even be misleading since “diplomacy”, in a narrow sense as we have seen before, is about the method of promoting state interests, primarily in the form of negotiation (of agreements or “diploma”), and parliamentarians are normally not involved in such (government) activities.

Parliamentary diplomacy refers to a wide range of activities undertaken by members of parliament, or parliament as an institution, to increase mutual understanding between countries and to improve scrutiny of government (Weisglas and de Boer 2007: 93). Its objective is, as in other fields of parliamentary policy-making, to influence government decisions (Squarcialopi quoted in Sabic 2013: 26) on behalf of the citizens. It is often, but not exclusively, referred to in the framework of open and multilateral diplomacy (Berridge and James 2003: 199). In a broad sense, parliamentary diplomacy is about the construction of state actors, about the pooling of power and about common ideals (Götz 2005: 276). If so, what sort of state actor other than government is parliament?

With democratisation expanding around the globe, the number of regional and other parliamentary organisations has been steadily increasing and the intensity of inter-parliamentary contacts growing. They vary greatly as to the scope and content of their activities, their mandates and statutes according to which they operate, their formal or informal ambition, authority and abilities, their size and financial/institutional resources, and, in general, as to their role/involvement in foreign policy and international relations. International Parliamentary Institutions (IPIs) comprising some 70 organs today (Sabic 2013: 20) and ranging from the Inter-Parliamentary Union (established in 1889) over the Council of Europe Parliamentary Assembly (1949) or the Central-American Parliament (1975) to the Andean Parliament (1979) or the OSCE Parliamentary Assembly (1991), do operate as parliamentary assemblies and their members are delegated from the national parliaments of member countries. Contrary to directly elected parliaments such as national parliaments or the European Parliament, which can *inter alia* pass legislation, decide the budget and hold the executive accountable, international parliamentary assemblies do not enjoy direct powers, they are not mandated directly by citizens, neither are they directly responsible to them and therefore, in general, their involvement/impact in parliamentary diplomacy appears rather limited. They primarily engage in inter-parliamentary cooperation on the international scene by debating and adopting non-binding recommendations on pressing regional and international issues of common concern with the expectation to be able to influence related government policies and international developments.

What “unites” though all parliamentary organs is that they do not operate in a vacuum but in (different) relation to respective government, the main body administering policies in this domain. Their role as new players in the international arena is not to duplicate, replace or compete with governments but to complement, enrich and stimulate policies of wider implications, to provide impulses, direction and follow up. Members of Parliament and parliaments as institutions can bring experience and expertise in bilateral or multilateral conflict prevention, in political dialogue (Hamilton 2010: 4), they can provide the necessary flexibility in sensitive situations since their actions do not necessarily commit governments (Weisglas-de Boer 2007: 96) and they may have useful access to non-official channels as well.

Still, in the case of directly elected parliamentary bodies, they - as an institution of the state/entity – can act on behalf of that particular state/entity, strengthened by the democratic legitimacy they enjoy. In addition, supporting the policies of the government, another institution of a particular state or entity, provides more legitimacy and more political weight resulting, principally, in greater leverage and impact on partners (Fiott 2011: 2). Although it is widely assumed in government circles that a greater parliamentary involvement in foreign policy/international relations would diminish their (traditionally perceived) roles, the gains can be mutually beneficial provided broad policies are jointly designed and their relations are built on mutual trust. Otherwise, a parliament may tend to develop an own foreign policy if pre-conditions to do so, such as authority, ability, attitude and ambition, are given – however, this may put at risk coherent state/entity actions in foreign policy.

One of the constraints to a distinct parliamentary foreign policy is the particular constitutional arrangements in which directly elected national parliaments normally operate in liberal electoral democracies. Parliaments are dominated by the parliamentary majority, which can be considered as the “prolonged arm” of the executive branch or vice versa. Usually, members of the majority parties are politically committed to *their* government since its members, or the Prime Minister at least, emerge from their majority as a result of elections. A government tends to inform its own parliamentary majority much earlier than the opposition (Crum and Fossum 2011: 113) and makes sure that the decisions of the democratic majority are carried out (Lord 2011: 239). In such cases, the role of parliament generally remains to provide support and legitimacy to actions by the executive and not necessarily restraint it from action (Bradley and Ziegler and Baranger 2007: 11). If so, are parliaments still sovereign players or are their activities compromised to a given extent? Under such circumstances, the ambition of parliament(ary majority) to act independently from government policies – especially in foreign policy, a domain so much dominated by the executive - is rather limited. Consequently, where the legislature is less "constrained" by its relation to government, parliament may have the potential to pursue own policy (Whitaker 2011: 10) i.e. the more a parliament has the authority, ability, attitude *and* ambition to act apart from government the more it is (ready to be) involved in the shaping of the foreign policy of the state/entity. The European Parliament provides a good example to this end.

How much influence and impact do parliaments have on foreign policies? A 2004 survey conducted by the Inter-Parliamentary Union (IPU) showed that all of its member parliaments are, to different extent and manner, involved in international affairs by applying various tools at their disposal (Beetham 2006: 2). All of them have important constitutional roles in ratifying international agreements and contributing to government-led international negotiations by monitoring and following up them. Activities of parliamentary diplomacy include inter alia contribution to conflict resolution, the sending of envoys to peace processes and the participation in government delegations to international conferences as well as in global, regional and other inter-parliamentary forums. In all of the activities of their parliamentary diplomacy, elected representatives seem to grapple with same sort of challenges irrespective of geographical location or the given legal authority: information gathering, dissemination of information and the citizens' involvement in the mechanism of foreign policy decision-making.

1.3 Tools and means of parliamentary oversight

While the main aim of parliamentary diplomacy is to make an impact on third countries and on related government policies, parliamentary control focuses primarily on, as mandated by the citizens, exercising influence internally, i.e. on the way decisions are taken by the government. These major fields of parliamentary activity, however, are interconnected and interdependent – policies are being shaped when exercising control and vice versa.

A number of terms are used for parliament's involvement in controlling government activities and there appears to be neither a consensus on their definition, nor a clear-cut distinction between them and often they overlap. “Parliamentary accountability” refers to the process in which the executive is held responsible by the legislature for policy decisions and implementation (Wouters-Rabe 2012: 150), while “parliamentary control” entails powers to sanction (Ibid). Under the less ambitious concept of “parliamentary scrutiny”, parliaments oversee a policy field and it entails the ability and ambition of parliament to be informed and consulted (Ibid). Oversight in general relates to parliamentary activities aimed at evaluating the implementation of policies (McCubbins and Schwartz (1984) quoted in Pelizzo and Stapenhurst 2012: 14). All control mechanisms usually relate to policy-making and the executive needs to explain, legitimize and justify actions/policies based on the formal or informal arrangements reached with the legislature – parliament can raise questions and provide an assessment with possible consequences/sanctions for the executive (Batora 2010: 4), which could even lead to rejection of action or policy line (Wouters and Raube 2012: 150). Parliamentary control is

political by nature in which the legislature, acting on behalf of the public, assesses whether the choices made of actions and policies are “politically appropriate” (Gusy 2007: 128).

Oversight tools are developed in order to bridge the gap of “information asymmetry” between the executive and the legislature for the sake of the parliament being able to assess (the choices for) actions and policies. The four main instruments of parliamentary oversight concern committees and special commissions of inquiry, confirmation of appointments, (written or oral) questions and interpellations as well as public debates in plenary or committees. Other tools often used are *inter alia* the motions for debate, resolutions, recommendations and reports, committee hearings as well as financial/budgetary control (Gusy 2007: 132). Although the highest number of oversight tools exist in parliamentary systems and the lowest in presidential ones, there appears to be no correlation between the number of tools/capacities available and the quality of democracy (Pelizzo and Stapenhurst 2012: 58) in a particular political system. For instance, although in the American presidential system the Congress/Senate employ three times less tools than the parliament of Bangladesh, the US parliamentary control mechanisms are much more effective in scrutinizing actions and policies of the executive. Consequently, the scope and content of parliamentary control is determined by how effectively the oversight tools are used (Pelizzo and Stapenhurst 2012: 70).

In democratic systems, oversight instruments are applied in all policy areas including in foreign affairs. However, although democratization has expanded and parliamentarism as means of legitimizing government policies has become widely accepted in recent decades, parliamentary control of foreign policy continues to lag behind the oversight of internal policies (Thym 2008: 1). The realist view continues to strongly prevail, notably that, given the nature of foreign policy, effective government actions in this field require greater independence from the legislature (Nowotny 2011: 146). Despite repeated calls for more democratic accountability in this field, also because of deepening links between internal and foreign policies of modern states (Batora 2010: 5), parliaments continue to have rather limited influence over foreign policy decisions. It is often argued that increased parliamentary control may constrain government actions (Kearnan 2013: 33) and the ability for making the necessary rapid decisions in a rather flexible manner considering the international environment and the third party actors operating therein. Security policy in particular is viewed as a field where only limited democratic participation and parliamentary control should be applied (Peters et al. 2008: 4) in order not to undermine a government’s scope of maneuver in safeguarding national security and in deciding on interests, priorities and objectives of action. In this context, the executive’s exposure to a diversity of views initiated and debated in the public domain of a parliament, realists warn, would undermine the efficiency of foreign policy (Ikenberry 2002).

According to opposite views, there are no principled arguments why foreign (and security) policy should only allow for limited maneuver for parliamentary control in a democratic system. Indeed, this is *the* field where parliamentary control is of particular relevance not only due to the growing impact of international acts on internal legislation but also because this is a highly politicized area where value-choices are made with high potential for long-lasting implications for the citizens and therefore requiring direct or indirect parliamentary approval. Consequently, “in cases of collision between the requirements for information on the one hand and maintenance of secrecy on the other the issue has to be less of “whether” than rather of “how” (Gusy 2007: 136).

2. The European Parliament: a new actor in the international arena

With the end of the Cold War, the collapse of the Soviet Union and of the bipolar world a new international order has emerged, fundamentally affecting the European continent. Stronger internationalization and wide-spread democratization have marked new features of the international system. On the ruins of totalitarian regimes new democracies have been established and the public, political and economic demand for not simply an enlargement of the European integration process to the East but for the unification of Europe has mobilized minds and souls on both sides of the former

East-West border. The central “founding” values of the early years and decades of European integration – such as peace, prosperity and supranationality – have been enriched and complemented with a new focus on democracy, human rights and the rule of law as from the beginning of the 1990s (Weiler 2014).

Also, a rather inward-looking and introverted European integration process was transformed by its main stakeholders, the Member States, into an institutional and policy framework more open to a fundamentally changed international environment. Preceded already by the formalization of the European Political Cooperation under the 1986 Single European Act, the 1993 Maastricht Treaty created the European Union and reinforced the EU’s rule-based competences in external relations/foreign policy also by establishing the Common Foreign and Security Policy as one of the pillars of the new architecture – a value-based policy field aimed at internal and external interaction to defend and promote the common values and interests of Member States. Simultaneously, the changing international environment and the democratization process combined with growing public demand for more transparency have created the need for a more democratic EU decision-making to be reinforced with the European Parliament at its core. Parliamentary involvement in decision-making reflected upon the democratic principle that people should participate in the exercise of power through their elected representatives (Kuiper 2013: 869)

2.1 Legitimacy, actorhood and impact

The European Union is widely considered a kind of “unidentified political object” (Jacques Delors quoted in Zielonka 2013: 1), a *sui generis* political actor, a normative power with sovereignty (and policy impetus) shared between Member States and various institutional players (Cameron 2012: xiv). No other international organization involves as many players interacting on as many different levels of governance as the EU, leading to a high complexity of decision-making (Welle 2013: 7). In this peculiar complex web, the Union entertains a “tripartite” way of approaching the world outside through intergovernmental and supranational methods/bodies and via its own Member States (Abdelal and Krotz 2011: 2. and 5).

The international system is largely determined by the actions of state actors and non-state actors as well as the interaction between them. While the state actors (government and parliament), dominated traditionally by executives, enjoy legitimate rights and responsibilities in forming opinions and making decisions, so-called non-state actors (NGOs, multinational companies, advocacy groups etc.) are entrusted with rights without legitimate responsibilities (they indeed form opinions without making legitimate decisions). The European Union, having the potential for autonomous action and impact, acts as a peculiar “state-like” actor in foreign policy and international relations. But does its Parliament, a particular institutional part of this state-like entity, qualify as a genuine actor in EU foreign policy and on the international scene?

2.1.1. The nature of EP actorhood

Under the peculiar democratic order of the EU (Magnette and Nikolaidis 2009: 54) recognized as a “representative democracy” since the Lisbon Treaty (Article 10(1) TEU), no government is emerging directly as a result of European elections. For the time being voters can not sanction the executive, elections are currently not about keeping or removing the Commission. In this sense, the widely perceived democratic deficit is a “structural one” since EU voters have no choice on how to be governed (Weiler 2014). Unlike in national parliaments of EU Member States but like in the US Congress, however, the parliamentary majority in the EP is not “the prolonged arm” of the other “state-like” branch. Currently, their MEPs are not “mouthpieces” of the executive, their policy approach or value choices are not necessarily determined by political affiliation to the Commission.

Under the traditional democratic arrangements of government-parliament structure, the parliamentary majority normally tends to constrain itself in pursuing (foreign) policy positions different from that of *its* government (Monar quoted by Viola 2000: 28). The majority, which determines the political orientation of the House, usually identifies itself with the government line and prefers to refrain from pursuing autonomous (foreign) policy. As Thym put it, “in international relations, this support is even more pronounced than in domestic policies, where parliamentarians are inclined to stand up for the specific interests of their constituency or social support groups” (Thym 2011: 8).

In contrast, the absence in the European Parliament of such a rather “restrictive” institutional set up provides the opportunity for MEPs to take foreign policy positions and views freely *without being politically obliged* to support the position of the Council, the HR/VP and the Commission, which together are the executive organs of EU foreign policy. Consequently, the EP enjoys a rather wide-spread political autonomy, the potential for developing an own policy identity coupled with independent legitimacy with the ambition for independent actions – this provides the opportunity to pursue an autonomous foreign policy not necessarily in line with the actions pursued by the other institutional actors (Thym 2011: 24. and Zanon 2005: 107). But can this potential created by the qualitative institutional difference be translated into impact/influence in a policy field so much dominated by executive actors?

2.1.2. Making impact, exerting influence

The main requirement of actorhood in the international system, i.e. to be recognized as an actor, is the ability to make an impact and exert influence internally (on related decisions) and externally (on third parties and on international relations overall). An actor disposes of the capability of internal cohesion and of being “discernible” from the external environment (Sjoestedt quoted in Viola 2000: 2).

For long the European Parliament used to be considered “immature”, an unreliable actor not capable to act responsibly, a body just releasing reports, haggling over budget lines (Lalone 2005: 46 and 48) and acting as a talking shop with a declamatory character (Viola 2000: 39) – their positions carried little weight, therefore not to be taken seriously by Member States.

But such an image was to be changed, talking power to be complemented with smart power, due to factors discussed above. Within the context of democratization and growing public (and parliamentary) demand for a more democratic EU regime, a gradual parliamentarisation of EU polity took place in the last more than thirty years (since the first direct election of MEPs in 1979).¹ The five major revisions of the Treaty since then have increasingly affected the European Parliament, entrusting it with new legislative and budgetary powers. Indeed, expanding EU competences in certain fields, including foreign policy, have been accompanied by stronger parliamentary dimension of those policy areas. As a matter of fact, however, the Parliament has not become an equal player in all fields of European external action and it has been more substantially empowered with respect to internal EU policies than in the sphere of external action.

Relevant treaty changes in favor of reinforcing parliamentary involvement have been largely conceived in the EP as opportunities to build up internal capacities, provide more expertise in order to improve internal/external reputation, enhance credibility and raise its international profile. Internal reforms such as the Raising the Game in 2003-2004 were, on the one hand, a reflection of the EP’s determination to this end and, on the other, to back up more competences with more capacities and expertise, also in order to be able to maximize its involvement in foreign affairs (Keukeleire-Delreux

¹ The European Parliament is not the only IPI, which is directly elected and enjoys legislative powers. For instance, the Andean Parliament (PARLANDINO), is a directly elected body and the East African Legislative Assembly (EALA) is entrusted with legislative competences. However, the EP is the only directly elected supranational legislature in the world.

2014).² The EP turned itself more and more into a “working parliament” where MEPs become heavily specialized and which is increasingly focused on legislative actions (Crum and Fossum 2013: 259).³ Expanding competences combined with more expertise have made the EP capable to project a united and consistent image, both internally and externally, and, above all, to be able to make an impact on EU decisions and third countries as well.

However, real (parliamentary) impact is difficult to measure, in particular as regards foreign policy where informal factors play a significant role. Indeed, this is the field where, due to the absence of formal legislative powers especially in hard foreign and security policy, the *potential* of impact can also be decisive in shaping policy – executives often anticipate parliamentary reactions, calculate the costs and consequences of parliamentary satisfaction or dissatisfaction when making foreign policy choices (Carter and Scott 2012: 241). Former Trade Commissioner Pascal Lamy was quoted as calculating that EP support for his policy actions would strengthen his position both in WTO negotiations and within the Commission itself (Lalone 2005: 47). Research into the EP’s handling of the Yugoslav crisis in 1991/1992 suggests that, despite the EU’s evident failure to prevent the armed conflict, parliamentary involvement was useful in publicizing issues and mobilizing public opinion as well as in strengthening internal parliamentary cohesion on a sensitive foreign policy matter (Viola 2000: 177). In another instance, MEPs were perceived to have played a decisive role in contributing to (an unusually) peaceful and democratic transition of power in Albania after the 2013 elections or in resolving a domestic political crisis in the former Yugoslav Republic of Macedonia in early 2013.

In most of these instances, the EP exerted moral force and provided the EU action with “soft legitimacy”. Over the years, the Parliament has built up a reputation of guardian of European values and strong supporter of human rights worldwide. A promoter of democracy and the rule of law, a driving force on political conditionality in EU foreign policy. According to the former Chair of the EP’s Foreign Affairs Committee, this is not exercised formally, not apparent in any legal process but taken on board informally by the Council and Commission (Saryusz-Wolski quoted in Bickerton 2011: 104).

Foreign policy and external actions are policy fields primarily of strategic nature, where – in contrast to pre-dominantly rule-based internal policies – non-legislative decisions and informal factors play a decisive role in pursuing interests and objectives. This necessarily limits parliamentary involvement. Consequently, the limited role of legislative/budgetary actions coupled with the Member State’s reluctance to share (all of the executive’s) sovereignty are the two main factors which inevitably restraint the impact and influence of the European Parliament on the conduct and direction of EU foreign policy. In this context, the “effect of hopelessness”, an element of inability and frustration to be able to impact on EU foreign policy, are apparent among Members (MEP quoted by Viola 2000: 248).

3. Shaping and controlling EU foreign policy in a post-Lisbon framework: role, competences, tools and bodies of parliamentary diplomacy and oversight

As discussed before, the five main treaty changes of the last thirty years entrusting the European Parliament with more legislative and budgetary powers have been a response, on the one hand, to the democratisation process of the post-Cold war era and, on the other, to growing public (and parliamentary) demand for more democratic legitimacy of the EU. These changes have been

² Further reinforcement of capacities - for instance internal expertise on specific crisis areas/crisis-related topics, their rapid deployment combined with rapid provision of external expert support – is still to be considered in order to avoid risks of overstressing the available limited capacities and so weakening EP ability to pursue legislative and political priorities.

³ This focus is not necessarily a favourable development for EP bodies working in the field of foreign affairs given the peculiar nature of this policy area where informal debates, exchanges and a number of non-legislative actions constitute important instruments in shaping and controlling policy (See also Crum and Fossum 2013: 259).

accompanied, but also generated, by constant inter-institutional battles over competences, on the extent of influence over policy-making in the EU context. This particularly applies to foreign policy and external action, dominated traditionally so much by the Member State governments and where informal factors as well as soft power play a crucial role. The EP's growing ambition, authority, ability and attitude in this field have fuelled into inter-institutional tensions. Legislative activism, the "obsession to enhance its own powers" (Grant et al. 2013: 25), has made a number of observers to argue that there is no need for more powers of the EP at this stage of European integration (see for instance *Ibid* and Rossi 2011: 106).

The European Parliament's overall role is to translate the values, interests, policy choices of EU citizens into binding and non-binding instructions to the executive conducting European external action. Parliamentary involvement in this regard relates to the shaping of the policy and controlling of the policy implementation by the executive. These two main fields of parliamentary activity, parliamentary "diplomacy" and oversight, cannot be artificially distinguished, because they are interconnected and interdependent fields – the policy is being shaped also when exercising control and the other way around. The EP enjoys a well-established institutional set-up with available tools and instruments to ensure a wide-ranging, bilateral, multilateral, regional and global reach in the international system.

3.1. Hard (legislative) powers

The Lisbon Treaty created opportunities for the future development of EU foreign policy, also by codifying for the first time the clear values, objectives and principles in this domain. It stipulated a greater role for the EP in external actions overall by expanding parliamentary legitimacy and oversight. What originally used to be under the Single European Act (Article 30. SEA) a parliamentary right to be regularly informed on the European Political Cooperation and to be closely associated with the EPC was substantially extended in 2009 and complemented with additional legislative and budgetary powers. Overall, consultation and information rights have been extended in both legislative and non-legislative actions, legal procedures of consent and co-decision made the norm as well as budgetary provisions on CFSP reinforced. A "Treaty of Parliaments" (Elmar Brok quoted in Beichelt 2012: 143) was created by increasing EP powers and significantly boosting the role of EU MS national parliaments. Nevertheless, formal (hard) powers have not been extended to all fields of European external action and Parliament continues not to have control functions over the Council's competences in the field of CFSP.

3.1.1 Consent to all international agreements

3.1.1.2 Accession

One of the most important powers of the EP in EU external action has been maintained by the Lisbon Treaty (only the name changed from assent to consent procedure): parliamentary consent continues to be required for the accession of a new Member State to the EU, before the conclusion of the Accession Treaty by the Council and its ratification by all Member States. Although formally Parliament is only entitled to approve or reject accession, it still enjoys tremendous impact on both the internal and external conditions of the enlargement process, the "most successful EU foreign policy field", due to a combination of formal and informal powers and a variety of tools and instruments available. In addition, impact is also "facilitated" by inter-institutional collaboration, in particular long years of practice of very close working cooperation between Parliament and Commission.

3.1.1.3 Other international agreements

The Lisbon Treaty unified the procedures on the conclusion of international agreements and now basically all such EU agreements require the consent by Parliament before conclusion by the Council

(Article 218. TFEU). The EP gaining an authoritative role in this domain is the most important increase in Parliament's competences in the field of the Union's treaty-making competences.

Formally and according to its rule-based powers, the Parliament is not entitled to modify the agreement. It is widely expected by the Council and Commission to endorse a text negotiated behind closed doors and on the basis of a mandate (negotiating directive) not being subject to formal parliamentary involvement. The arguments by the executive for doing so are well-known: successful international negotiations require secrecy, expertise and flexibility which are incompatible with parliamentary control (Thym 2009: 315). Consequently, room of formal parliamentary manoeuvre is limited.

However, the EP has often been reluctant to merely passively take note of the request for consent but has been determined to influence the negotiations by providing *ex ante* control as well (Rossi 2011: 102). Its overall aim is not to act as a rubber-stamp but to influence the content of the agreement (Passos 2011: 54) according to its own views directly legitimated by EU citizens, and, by doing so, to shape policy. The primary instruments to act so are parliamentary resolutions, which formulate Parliament's positions, provide conditions for consent, a sort of "second mandate" to be considered by the Council and the Commission (Ibid: 55) and therefore facilitate consent. They often but not exclusively refer to political conditionality like human rights considerations, good governance, the functioning of democracy and the rule of law as well as social and labour issues. However, there is normally only little or no feedback from Commission and Council services whether EP positions have been actually taken into account since draft agreements are not shared with the Parliament.

In order to shape policy, i.e. to define (and be able to defend) credible and substantial positions, systematic access to relevant information appears to be crucial. The Lisbon Treaty clearly set the legal framework by stipulating that Parliament "...shall be immediately and fully informed at all stages of the procedure" (Article 218(10) TFEU). Practice, however, looks different. The EEAS often appears to be reticent to share documents with the Parliament because it fears they would end up in the public domain. Everyday practice, although improving, still shows that the EEAS seldom takes initiative and it is the EP which has to enquire about the next round of negotiations or request debriefings. Indeed, the Council is regularly informed about the negotiation process through comitology, while the EP has no formal say over the negotiation directive deciding on the launch of talks. Despite the fact that Article 218(10) applies to all kinds of information, including classified ones, without laying down any exceptions, mandates are considered classified information by the Council and therefore, if MEPs wish to access them, they have to follow a cumbersome procedure. Currently, the Council limits access to rapporteurs and political group coordinators – repeated calls by Parliament to expand this scope to office holders, including shadow rapporteurs, on "need-to-know-basis" has produced no result yet. Council also critically and suspiciously views the 2010 EP-Commission Framework Agreement, under which the Commission accepted to provide all relevant information during the negotiation process that it also provides to the Council. Lack of information or difficulties in accessing them at any stage of the procedure do not facilitate Parliament's consent, and therefore, overall, may occasionally bear negative consequences for the EU's bilateral relations.

Parliament has rarely rejected consent to an international agreement but sometimes delayed approval on purpose in order to ensure its positions to be taken into account in the final text of the agreement (for instance, agreements with Israel, Turkmenistan, Syria or Morocco) (Corbett and Jacobs and Shakleton 2011: 343). The 2010 EU-US SWIFT agreement on the sharing of financial data, when the EP overwhelmingly voted against consent, has set a well-known precedent with significant implications for EU external relations (Monar 2010: 143). Despite repeated early warnings by Parliament to this end, many of its substantive concerns have been disregarded, by doing so putting at risk the EU's international credibility. In fact, the rejection of the agreement was not only a spectacular signal of the changed inter-institutional power balance following the Lisbon Treaty and that majority support in the European Parliament may not be taken as granted, as might be the case in

national parliaments dominated by government majorities. It was also a proof that the EP has the ability and ambition to shape EU external action on its own.

3.1.2 Co-decision in European external action

3.1.2.1 Common Commercial Policy (CCP)

A substantial change as to the EP's hard powers occurred in particular in the field of the Common Commercial Policy. An area, with no EP role at all and which had not even been subject to consultation pre-Lisbon, has become a sphere of significant potential impact to be exerted by the EP following the entry into force of the new Treaty. According to Article 207 TFEU, all autonomous measures under the CCP (trade defence instruments, General System of Preferences, antidumping, rules of origin etc.) have become subject to the ordinary legislative procedure. By formally acknowledging the EP as an equal player with the Council in this legislative competence, the Parliament has been entrusted with a decisive role in legitimising CCP actions. This power was first used in providing a safeguard clause to the EU-South Korea Free Trade Agreement in 2010 (Corbett and Jacobs and Shakleton 2011: 254).

3.1.2.2. External Financial Instruments

When examining the changes introduced by the Lisbon Treaty with respect to parliamentary involvement in shaping and controlling European external action, a widely "forgotten" innovation relates to European external cooperation assistance. Either it is examined as part of new budgetary provisions or simply neglected.

The EU's cooperation assistance to third countries is implemented through external financial assistance instruments which are managed by the Commission and the EEAS. They are major vehicles of EU foreign policy as they lay down the EU's guiding principles and objectives under Article 21 TEU and Articles 207, 208, 209 and 212 TFEU.

Under Article 212(2) TFEU, the field of economic financial and technical measures including assistance to third countries has become subject to the ordinary legislative procedure. Following the entry into force of the Lisbon Treaty, the Parliament not only co-decides with the Council on the development cooperation instrument (DCI), as before, but also on the financing aspects of all other instruments (Instrument for Pre-Accession Assistance, Instrument for European Neighbourhood Policy Initiative, Instrument contributing to Stability and Peace, Partnership Instrument and European Instrument for Democracy and Human Rights). This includes co-legislative functions both on deciding the seven-year budgets available to the individual instruments under Heading 4 (External Action) of the Multiannual Financial Framework (MFF) and the strategic objectives, thematic priorities, financing and implementing modalities of assistance. Consequently, Parliament enjoys, on equal footing with the Council, formal policy-making powers in this field.

As a result of eighteen months of inter-institutional negotiations on Heading 4 of the MFF 2014-2020, Parliament was able to ensure that the instruments are flexible and complementary, whilst also addressing longer term strategic programming interests, that they have proper budgets to meet the ambition and strategic interests of the Union, that European external action is provided with more transparency and visibility, and not least that human rights, democracy promotion and the rule of law are mainstreamed and entrusted with more conditionality.

In fact, the newly acquired formal powers are stronger than the new EP competence to give consent to basically all international agreements, since this allows Parliament to formally shape, on equal footing with the Council, European external action and not simply approve or refuse an agreement.

3.1.3 Budgetary powers

The legislative competence to decide over the budget is a classical parliamentary hard power. The European Parliament approves the EU's seven-year budget under the Multiannual Financial Framework, including its Heading 4 on European External Action, endorses the annual budgets and controls spending of the Institutions via the discharge procedure. Such formal role provides the opportunity not only to approve budgetary headings and items but to exert influence on the policy actions behind.

There is, however, no full control. Although the Lisbon Treaty made the CFSP budget, including the EEAS budget, part of the EU budget and so subject to annual parliamentary approval, EP budgetary powers remain rather limited in CFSP. MEPs are formally not consulted before the adoption of individual CFSP decisions with budgetary implications and the EP is not involved at all into deciding on expenditures of EU military missions because they do not form part of the EU budget but they are directly financed by EU Member States under the Athena mechanism ("costs lie where they fall"). The spending on military missions appears as a "shadow budget" with no parliamentary control whatsoever (Brok and Gresch 2004: 220).

3.2 Soft (non-legislative) powers

Contrary to many EU national parliaments operating under the "constraints" of their parliamentary systems with majorities dominated by their governments in policy-making, the European Parliament and its influential Members always had the ambition and attitude to maximise parliamentary authority and make full use of the acquired formal powers for the sake of bringing European integration forward. Ambition and attitude being even stronger driving forces in areas not falling under the remit of hard legislative powers but where parliamentary bodies and Members have to reach beyond formal competences in order to make an impact informally and shape policies (Thym 2009: 19). Impact internally on the position of EU institutions and Member States as well as externally on policies and actions of third partners are rather indirect but reach further than the normative parliamentary powers stipulated under the Treaty may suggest (Ibid: 20). Such impact broadly aims at pursuing EP priorities in EU foreign policy, notably to promote a more coherent and cohesive European external action, to pursue a more strategic approach in the shaping of EU priorities and to uphold democracy and the rule of law in relations with third partners.

3.2.1 Parliamentary competences in the Common Foreign and Security Policy

CFSP is an inter-governmental area where binding and non-binding arrangements are combined providing room for formal and informal parliamentary influence in policy-making. It is a matter, however, pre-dominantly at the discretion of the Council and its Member States.

Although formal powers have somewhat intensified due to the last treaty changes, Parliament's post-Lisbon competences in CFSP largely remain the same as before and Member States continue to be the key source of legitimacy, in particular as regards the Common Security and Defence Policy (CSDP). Even though the EP has been constantly empowered in other fields of European external action, this was – due to "conceptual considerations" (Thym 2009: 16-17) - not the case with respect to CFSP/CSDP decision-making despite the fact that the Council acts as a legislative and executive organ in this policy field. Some observers call this "collusive delegation" whereby national executives have established an inter-governmental policy to escape national parliamentary control without establishing an oversight at the supranational level (Lalonde 2005: 39).

Nevertheless, the Parliament is not completely powerless and it aims at making CFSP more coherent and transparent in order to maintain public support and popular commitment for the EU's global engagement (Albertini 2010: 1). It primarily enjoys treaty-based information and consultation rights under Article 36 TEU with collaborative arrangements established. In this context, the High

Representative is invited to regularly consult Parliament “on the main aspects and basic choices” of the CFSP and CSDP by presenting an annual report to the EP and participating in twice-yearly parliamentary debates (in addition to regular discussions in the Committee on Foreign Affairs) covering the full range of current EU foreign policy activities. Members can also address questions and make recommendations to the Council without, however, a formal obligation to be provided with relevant answers. A rather undervalued and unused treaty provision concerns the phrase of Article 36, which obliges the HR/VP to “...ensure that (Parliament’s) *views* are taken duly into consideration”⁴. An invitation to tango to shape policies by considering the particular positions and views produced by the EP and its Members on the thematic and geographical issues of EU foreign policy – an enhanced follow-up mechanism may facilitate the implementation of this commitment.

A variety of other instruments of non-binding nature help Members to make an (indirect) impact on CFSP policy issues and developments. Under the 2002 EP-Council inter-institutional agreement concerning access to sensitive information, five Members (plus one substitute) of an EP special committee gained access to confidential Council documents and briefings. According to the former Chair of Parliament’s Foreign Affairs Committee, however, the range, detail and quality of the requested information remains unsatisfactory and the related procedures cumbersome (Albertini 2010: 2). Another inter-institutional agreement agreed between the Parliament and Council in 2006 on budgetary discipline and sound financial management provides for joint consultation meetings on the financing of the CFSP between the bureaus of Parliament’s Committees on Foreign Affairs and Budget on the one hand and the Chair of the Political and Security Committee (PSC) on the other. The at least five meetings a year aim at assessing the financial implications of decisions adopted by the Council in the framework of the CFSP. As such they cover EU civilian missions as well but not military operations. Although no formal decisions are taken and parliamentary involvement in the financing of EU missions remains limited, Members can obtain first-hand information from a Council body on financial planning and spending in the area of CFSP. These regular discussions reach beyond their formal remit because Members pro-actively use the opportunity to also state their position on broader strategic issues of EU foreign policy including conflict-torn countries and regions.

3.2.1.1 Informal practices in the Common Security and Defence Policy (CSDP)

A paradox of the international system is that the “harder” a particular field of foreign policy becomes the less parliamentary involvement and control is required to legitimise that field and its policy decisions. Security and defence policy is considered by governments an area which, they traditionally argue, requires a high degree of secrecy, confidentiality and flexibility in order to be able to act rapidly and take decisions efficiently in promoting/defending national/EU security interests (Peters et al. 2008: 1 and Böcker 2012: 23). On the other hand, this field would exactly qualify to be a subject to parliamentary control because security and defence policy decisions are of strategic nature, value-choices are made and politically allocated, and they may entail potentially high risks for the citizens (Lord 2011: 1138-1139). Democratic accountability therefore would be of fundamental importance in order to ensure public support (Mittag 2002: 1).

The CSDP follows the traditional pattern of very limited control rights by Parliament. The EP has no formal say to authorise the launch of an EU crisis-management mission, neither a civilian one nor a military one. It can neither co-decide on legal obligations nor on individual mission budgets (Wouters and Raube 2012: 152). Some information and consultation rights have been enshrined in the Lisbon Treaty’s Article 36 which includes CSDP among the fields where the HR/VP has to regularly consult Members, primarily via twice-yearly plenary debates and through the informal mechanism of Joint Consultation Meetings. Parliament is, however, largely reliant on the Council’s goodwill to receive timely and relevant information. In fact, this field suffers of a double democratic deficit since EU MS national parliaments are not sufficiently involved either in the scrutiny of its policies and decisions.

⁴ Italics by author (PB).

In order to compensate for the lack of power in this field, the European Parliament has developed informal practices and tools to be able to shape CSDP and provide some sort of democratic scrutiny. It regularly addresses questions to the HR/VP and Council, examines policy/capability/institutional developments in plenary sessions, committee meetings, in hearings and workshops, sends ad hoc missions on field trip as well as adopts (non-binding) own-initiative reports and recommendations. Parliament also established a practice of a sort of ex ante scrutiny when Members, in a parliamentary resolution, comment on a planned EU mission. In 2004, a Sub-committee on Security and Defence was set up under the Committee on Foreign Affairs to provide a forum for deliberations on CSDP issues of public concern. This pro-active ambition and attitude is, however, insufficient to provide substantial control mechanisms over a policy field exclusively dominated by the Member States in the Council.

3.2.2 Oversight of the European External Action Service

The European External Action Service (EEAS), the EU's "foreign ministry", has been one of the main institutional innovations introduced by the Lisbon Treaty. Not a new EU institution but rather a new "service" in the EU's institutional architecture, which is expected to be instrumental in making EU external action more coherent by combining relevant forces of the Commission, Council Secretariat and Member States, and headed by the "triple-hatted" High Representative/Vice-President.

The EEAS and the HR/VP are politically accountable to the Council (Batora 2010: 9) and democratically controlled by the European Parliament⁵. The creation and regular scrutiny of the EEAS has been a reflection on how effectively parliamentary hard and soft powers, formal competences and indirect influence can be combined to ensure parliamentary involvement and maximise the EP's impact on EU foreign policy beyond its treaty-based formal role (Wisniewski 2013: 87).

In the course of setting up the EEAS in 2010 via the so-called "quadrilogue", MEPs successfully combined their (soft) right of consultation on the proposal of the HR/VP with their (hard) legislative and budgetary powers over the new staff regulation and the financial regulation in order to ensure EP interests and priorities in the operation of the new external service. By doing so, the EEAS gained more democratic legitimacy and the Parliament was recognised as an equal player and important institutional actor beyond the role formally suggested by the Treaty (Ibid: 100).

Increased parliamentary influence was reflected in the politically-binding Declaration on Political Accountability, which was issued shortly after by the HR/VP on the cooperation between the HR/VP-EEAS and the Parliament. The Declaration provided inter alia for enhancing the status of the Joint Consultation Meetings, affirming the right of the EP Special Committee to access confidential information on CFSP/CSDP, mandating the HR/VP to appear before Parliament twice a year and, not least, allowing exchanges of views with leading EEAS officials including Heads of Delegation and EU Special Representatives.

The exchange with Heads of EU Delegation has been a major innovation of shaping and controlling EU foreign policy. Although initial parliamentary demands for US-style hearings and powers of appointment and recall of future EU ambassadors were rejected by Member States, a rather successful practice of exchanges was developed. After their appointment by the HR/VP but prior to taking up their post in the third country, EU ambassadors, selected upon Parliament's priorities and in agreement with the HR/VP, appear before a closed meeting of the Committee on Foreign Affairs (AFET). They inform Members on the country concerned and the EU priorities/objectives to be pursued in relations with the partner country. Even more importantly, Members may use these opportunities to question the ambassadors, share their views with them of the particular relationship as well as their advice and suggestions on the conduct of the relations. Although Parliament is formally

⁵ The Parliament endorses the nomination of the HR/VP as member of the College of Commissioners. (S)he is subject to a collective vote of consent by the EP and so accountable to Parliament.

not entitled to hinder an appointment or the taking up of ambassadorial duties, the result of such an exchange is invaluable: on the one hand, Members' knowledge, expertise and political insight may enrich that particular geographical relationship and, on the other, it may provide the ambassador with a democratic legitimacy strengthening the EU's bearing in the partner country and the ambassador's acceptance in the recipient country. Of course, exchanges of views with appointed EU Special Representatives before the launch of their mandate may have a similar effect on the EU's thematic priorities as pursued by the EUSRs. In order to maximise parliamentary impact by regular dialogue, both EU ambassadors and EUSRs occasionally return to AFET and report back to Members on geographical and thematic policy developments and achievements - this ensures both an informal control mechanism and the space for particular shaping of EU policies.

3.2.3 Regular contacts with third partners

Parliament serves also as a vehicle for consultation with third partners, countries and international organisations. It provides a public forum both for representatives of partner countries and organisations, influential non-state actors as well as for leading policy makers from the Council, EEAS, Commission and Member States in the pursuit of open bilateral and multilateral relations. In the sixth parliamentary term (2004-2009), alone AFET was addressed more than four-hundred times by visiting presidents, prime ministers, leading government officials as well as prominent representatives of international and non-governmental organisations (Albertini 2010: 2). Parliament is widely and increasingly used by external and internal actors as an open forum for pursuing foreign policy interests and trying to make an impact on international developments. In this context, the EP itself plays a pro-active role to enhance parliamentary diplomacy, complemented by the activities of its many inter-parliamentary delegations as well as pre-planned and ad hoc missions to third countries by individual Members and various parliamentary bodies.

Parliament's ambition and attitude to play an increasing role in international relations, combined with the formal and informal powers acquired to be used in bringing the cause of EU foreign policy forward, have enhanced its authority on the international scene. The EP has become a respected and influential international actor over the years, an institution perceived by partners to be *capable* of exerting influence on developments and decisions both externally and internally. It succeeded in projecting a united and coherent image abroad and it obtained a level of international perception among many third partners and observers which often go beyond the treaty-based roles and competences it actually enjoys.

3.2.4 Democracy promotion including election observation

Being perceived on the international scene as a capable moral force with strong focus on strengthening human rights, promoting democracy and enhancing the rule of law worldwide, the Parliament is increasingly (asked to be) involved in the building of parliamentary democracy, a notion believed to be a stabilising factor domestically and in international relations overall.

Based on the EU's comprehensive democracy support policy as an integral part of European external action and emerging as from the late 2000s, democratisation would not just be promoted by the EP during the election period as it used to be with the monitoring of parliamentary elections but throughout the full electoral cycle, particularly following the elections. EP real added value was understood to be moving beyond election observation to have a comprehensive impact on the process of democratisation in a particular country by maximising the contribution to broader democracy-building efforts.

In 2007, the Parliament set up the Office for the Promotion of Parliamentary Democracy (OPPD) with the primary aim to engage in demand-driven, technical and capacity-building assistance to strengthen the role of parliaments in democratisation processes. It has the objectives of supporting

parliaments to enhance their institutional capacity in implementing the essential functions of law-making, oversight and representation. In Parliament's democracy support programme, priority is given to the parliaments of countries of the Eastern neighbourhood but support is also provided among others to the Pan-African Parliament, the parliaments of ECOWAS, SADC, EAC⁶ as well as to regional parliaments in Latin America. Of course, election observation has remained a key instrument in promoting democratisation, with the EP organising some 10-12 election observation missions to countries agreed beforehand with the Commission and the EEAS. MEPs are normally the EU chief observers of such missions under the EU flag.

3.3 Tools of parliamentary control

“Scrutiny is a bit boring. We want to...shape the emergence of common policies.” (Wouters and Raube 2012: 158). The opinion expressed by an MEP might not be representative but reflects Parliament's ambition and attitude to act as a recognised institutional player in EU foreign policy. Nevertheless, over the years the European Parliament has acquired all those tools and mechanism of parliamentary control which are also available to other directly elected national parliaments. They are rule-based tools rooted in Parliament's Rules of Procedure or informal instruments and practices developed to enhance oversight functions.

In order to make the executive accountable, Parliament can raise questions, hold interpellations, organise public debates (both on plenary and committee level) including hearings and workshops, adopt resolutions and own-initiative reports, set up special committees of inquiry, confirm appointments and launch no-confidence and impeachment procedures. The most widely used tools are the (written and oral) questions, public debates and resolutions/reports.

While over the years the EP has obtained and made pro-actively use of such instruments also in the field of foreign affairs, it is increasingly challenged, as all other parliaments today, by the need to effectively and consistently apply them to maximise the very parliamentary task of control over executive actions and decisions. This requires inter alia, on the one hand, to be able to create popular demand from European societies and sustain it through the media and, on the other, to enhance internal expert capacities capable of translating ever-complex issues initiated/governed by the executive into issues comprehensible to EU citizens. Access to the necessary information from all relevant sources and the ability to absorb and make effective use of them appear to be crucial in this context.

3.4 EP parliamentary bodies in the field of external policies

At the beginning of the 8th parliamentary term, altogether there are some 116 political bodies dealing with various aspects of parliamentary foreign policy, covering relations with about 190 countries in the world. They include inter alia some 3 standing committees, 2 subcommittees, 44 standing inter-parliamentary delegations, including 4 multilateral assemblies, and a high number of working groups, steering committees (DG EXPO Handbook 2012: 6). The coordination and cooperation of these various bodies and how to ensure coherence of action are a challenging task. The main bodies and their duties are the following:

3.4.1 The President

Under Rule 22 of Parliament's Rules of Procedure, the President's formal duty is to represent the European Parliament in international relations. Parliament's main office-holder, elected for a term of

⁶ ECOWAS = Economic Community of West African States, SADC = Southern African Development Community, EAC = East African Community

two and a half years, pursues and defends Parliament's relevant positions within the EU and on the international scene. A number of the fourteen elected vice-presidents are dealing with particular aspects of parliamentary foreign policy and assist the President in the conduct of his/her duties.

3.4.2 The Conference of Presidents (CoP)

Composed of the heads of political groups, the CoP is responsible for the broad political direction of Parliament, both internally and vis-à-vis external partners. It regularly discusses and takes decisions of strategic nature, holds exchanges with high-ranking representatives of EU Institutions, Member States and third countries, and decides among others on the sending of planned and ad hoc missions abroad. Its decisions are implemented by the Bureau, which consist of the President and the 14 Vice-Presidents.

3.4.3 Political parties

Political parties on the national and European level play an increasingly influential role in the European Parliament's involvement in EU policies including foreign policy – they have become a factor of European integration (Calossi and Coticchia 2013: 4). While the EU voters' will is directly legitimised through the election of MEPs normally on the various national party lists, the party groups in the EP, loose conglomerates of national sister parties, constitute a common institutional denominator of voters' interests and priorities including in the area of external policies. Based on this legitimacy and accountability, they do not simply provide a forum for deliberations but shape policies aimed at wide cross-party consensus both on the plenary and committee levels as well as in the Conference of Presidents.

3.4.4 Standing committees and sub-committees

Out of Parliament's 20 standing committees, some 3 (Committee on Foreign Affairs, Committee on Development, Committee on International Trade) are directly dealing with the parliamentary dimension of particular areas of European external action. Committees are composed of full and (equal number of) substitute Members. A very significant role in the Committee is played by the group coordinators. At the beginning of the legislative term, each political group designates a coordinator as its spokesperson for a particular committee. The coordinators meet in the Committee's Enlarged Bureau to discuss the Committee's agenda and outstanding political issues before full discussion in the Committee. Coordinators also share out the workload among the members of their own group and help to establish the voting position of their group. Another significant role is played by the rapporteurs, who are appointed by the Committee to be in charge of a particular dossier or report and who represent the Committee on those matters. Their work is complemented and assisted by shadow rapporteurs, who are appointed by the other political groups.

Parliament's largest committee (76 full members) is the Committee on Foreign Affairs (AFET). It is assisted by two subcommittees: one on security and defence (SEDE) and the other on human rights (DROD). In addition, a number of working groups help the full Committee to establish positions on particular areas of EU foreign policy i.e. the working groups on EU-UN relations, on the Western Balkans, on the Eastern Neighbourhood, on the Southern Neighbourhood and on the various External Financial Instruments. Unlike other parliamentary committees, AFET rarely deals with legislation with the exception of the preparation of consent to accession treaties, international agreements as well as involvement in the ordinary legislative procedures on the external financial instruments once every seven years. Its positions and views are mainly formulated in so-called own-initiative reports (INIs), which are non-legislative reports on strategically important geographical or thematic priority subjects.

This Committee also regularly discusses and adopts recommendations and interim reports⁷ as well as sends pre-planned and ad hoc missions abroad like the ones, of particular significance for EU foreign policy recently, to Washington in the wake of the revelation on mass surveillance activities by the NSA or during the Ukrainian political crisis in February 2014 to Kiev. A substantial work of AFET consists of controlling or monitoring the activities of the Commission, the Council, the HR/VP and the EEAS.

3.4.5 Standing inter-parliamentary delegations

Over the last more than forty years, the Parliament has established a wide range of bilateral, regional and multilateral inter-parliamentary delegations. Today there exist some 44 such permanent delegations covering relations to some 190 countries, with some 944 seats available for MEPs (Corbett and Jacobs and Shakleton 2011: 178). Depending on the legal nature of the EU's agreement with a third country or group of countries, inter-parliamentary cooperation is conducted via Joint Parliamentary Committees (JPCs) with enlargement countries, Parliamentary Cooperation Committees (PCCs) with countries having partnership and cooperation agreements with the EU, through Interparliamentary Meetings (IPMs) and five Multilateral Assemblies (ACP-EU JPA, EUROLAT, PA-UfM, EURONEST, NATO PA⁸). In reflecting EP political priorities, the number of delegations have increased in the 8th term to include, for instance, a delegation with relations to Brazil and individual delegations with each country of the Western Balkans.

Inter-parliamentary delegations are important instruments of EP parliamentary diplomacy. Through their regular exchanges with third country parliamentarians, they promote EP/EU positions and views and, by doing so, may shape policies by influencing third country MPs and, indirectly through them, third country governments. They also provide useful insights into developments within a country which may prove instrumental for the EP's/the EU's assessment of that particular partner leading to policy actions and decisions. Recognising the importance of the permanent delegations in the parliamentary dimension of EU foreign policy, the Parliament aims to rationalise their functioning by better forward planning, more streamlined organisation and, foremost, by better channelling their work into the mainstream activities of standing committees through mandates issued by committees prior to travelling and through better mechanisms of reporting back to committees afterwards.

3.4.6 "Control vacuum" – EP cooperation with EU MS national parliaments

The Lisbon Treaty is widely praised as the "Treaty of Parliaments" because it enhanced the parliamentary involvement of EU MS national parliaments and the European Parliament in EU governance, including their role in the foreign policy architecture of the EU, in order to improve democratic accountability. The complementary role of Parliaments within the EU system have been recognised by creating treaty provisions allowing a strengthened inter-parliamentary cooperation, particularly in the inter-governmental grey zone of the CFSP and CSDP where Member States remain the key sources of legitimacy (Böcker 2012: 19) and where a "control vacuum" has been evident for long.

Indeed, while national parliaments hold, though to a greatly varying extent and without any standardised way, their respective governments accountable to their actions within the Council, they are not entitled to exercise control over decisions taken collectively in the Council (the final collective decision may not be necessarily identical with the individual position of a Member State in the

⁷ In the course of the 7th legislative term (2009-2014), AFET adopted some 104 reports, 46 INIs and 99 opinions.

⁸ ACP EU JPA = ACP-EU Joint Parliamentary Assembly, EUROLAT = Euro-Latin American Parliamentary Assembly, PA-UfM = Parliamentary Assembly of the Union for the Mediterranean, EURONEST = Euronest Parliamentary Assembly, NATO PA = NATO Parliamentary Assembly

Council) (Lord 2011: 1142). Since the EP, a supranational EU institution, has not gained control functions over the Council operating on the basis of inter-governmental cooperation, the collective actions and decisions of this organ are formally not subject to parliamentary control. In short, while the EP may have a vision on the whole, the national parliaments only have a view on the part (The democratic control 2010 p.2.). Or, to reflect this ambiguity in the example of the financing of CSDP military missions, while the EP has no formalised influence over EU military operations, national parliaments can only determine national defence budgets⁹.

The solution to fill this control gap was proposed, on the basis of Article 9 of Protocol 1 attached to the Lisbon Treaty, to be the Interparliamentary Conference for the Common Foreign and Security Policy. This body, finally agreed by the EU Speakers Conference in April 2011, was to replace the dissolved WEU Parliamentary Assembly which had previously been a sort of scrutiny organ for the CSDP. It is composed of delegations of EU MS national parliaments (six MPs each) and the European Parliament (sixteen MEPs), complemented with some 24 MPs from European non-EU countries and EU candidate states, bringing the total number of Conference members to 208 (!). Since 2012, the Conference meets once every six months under the respective EU Presidency and it primarily provides a forum for the exchange of information between European and national parliamentarians concerning CFSP and CSDP. It may adopt non-binding conclusions by consensus on these policy areas.

The Conference functions as an interparliamentary assembly, which, however, has come short of joint control functions since it does not embrace any parliamentary control over the Council including no right to confidential or sensitive information. Some observers even question its real value added in joint parliamentary accountability - where an efficient institutionalised combination of the EP's horizontal checks with the vertical checks exercised by national parliaments would have been expected - and its real impact/efficiency given its huge membership (Wouters and Raube 2012: 162).

Conclusions

The European Union is building a democracy on its own. As acknowledged and stipulated by the Lisbon Treaty, the Union is founded on "representative democracy", which is rooted in the diverging traditions of political culture of the Member States and legitimised by the will of EU citizens through the directly elected European Parliament. Such "double legitimacy" is also reflected in the peculiar nature of the EU's democratic order, with particular implications on policy-making in the field of European external action.

On the one hand, Member State governments dominate Union foreign policy on the basis of well-known and traditional arguments: the need for "instrumental efficiency", specialised expertise to resolve ever-growing complexity of international issues, secrecy, confidentiality and flexibility in order to be able to act and react rapidly in defending/promoting EU values and interests within the quickly changing international environment. In many instances, "expert sovereignty" continues to prevail over "popular or parliamentary sovereignty", creating inter-institutional and political tensions.

On the other, the citizen representatives in the Parliament enjoy a rather wide-spread political autonomy. They are not necessarily constrained by the traditional government-parliament set-up and therefore have the potential to develop an own policy identity with the opportunity to pursue autonomous foreign policy not necessarily in line with actions pursued by the other institutional actors. Over the last years and decades of the European integration process, the Parliament has built up a reputation of the guardian of European values, a strong promoter of democracy, the rule of law and

⁹ Peters et al. illustrate the ill-defined roles in a case study on the EU's maritime mission Atalanta and concluded that "none of the parliaments was actively involved in the decision-making process" before the launch of the mission. It also found that "competences and activities of national parliaments vary widely resulting in a patchwork of parliamentary control at the national level" (Peters et al. 2011: 1).

human rights, a driving force of political conditionality in the EU's external relations. It has established itself as a recognised international actor perceived internally and by third partners as an institution capable to exert influence over Union decision-making and international developments. The more so despite the fact that it has not become an equal player in all fields of European external action and that it has been more substantially empowered with respect to internal policies than in the external sphere, in particular as regards CFSP and CSDP. Factors like authority, ability, attitude and ambition have been, however, decisive driving forces in this development.

Is increasing parliamentary involvement in shaping and controlling Union foreign policy a welcome development? What are the mutual benefits of parliamentary diplomacy and oversight? More actors inevitably add to the structural complexity of EU foreign policy, challenging the ultimate necessity for effective, coherent and consistent European external action, expected by third partners as well. Also, at first glance, more complex settings are not necessarily "citizen-friendly" since they make it even more difficult for the public to see clearly how "Brussels" functions in this domain.

But the EP ambition is not to duplicate, replace or compete with actions and policies of other institutional stakeholders including the Member State governments. The role of individual MEPs and Parliament as an EU institution is to enrich and stimulate ideas and policies, provide impulses, direction and follow up to Union actions. They can bring experience, expertise and political insight *inter alia* in bilateral and multilateral relations, conflict prevention and political dialogue. In this highly politicised area where choices of values and strategies are made with long-lasting implications and potential risks for EU citizens, sufficient parliamentary involvement is a fundamental necessity to ensure public support of the choices made. Parliament also functions as a public space for citizens, institutional stakeholders and third partners. In this context, the exposure to diverse views on strategic direction and policy priorities would not undermine effective actions but diminish potential risks for erroneous judgements and provide the democratic legitimacy necessary to pursue a policy based on public acceptance. By providing political support to complex policies and initiatives, Parliament democratically legitimises actions and, by doing so, also strengthens the hand of Union policy-makers and gives more political weight to their actions resulting, principally, in greater EU leverage and impact on third partners on the international scene. Lack of information or difficulties in accessing them do not only restrict parliamentary involvement but, as a consequence, may also bear negative implications on the EU's external relations. Overall, it constrains Parliament in one of its main functions, namely to build up public trust by being able to translate ever-complex issues in a way comprehensible to EU citizens. In this respect, Parliament's role is to build bridges between the increasing public demand for more legitimacy and the growing complexity of issues requiring specialised expertise.

However, times are challenging to the further parliamentarisation of EU foreign policy. The accumulation over the years of more parliamentary legitimacy and powers, considered to tackle what is perceived a "democratic deficit", has not been accompanied by growing public trust of the European project. Elitism, over-bureaucracy, complexity and the inability to communicate results continue to be evident features of the European integration process in the public view. Member States, the key stakeholders in the process, are struck by the consequences of the crisis and appear to become more introverted and passive towards the outside world (Zielonka 2013: 5), as also reflected by the significantly reduced level of financial resources made available to European external action under the MFF for the period 2014-2020¹⁰. In some respects, signs of a re-nationalisation of EU foreign policy can also be detected which reinforces the limits to the EU to further develop own policies including their parliamentary dimension.

¹⁰ European External Action was the policy field under the MFF suffering most of the cuts agreed between Member States. The original Commission proposal of some 70 billion euros (2011 prices) to be available for this domain in the period 2014-2020 was reduced to some 51 billion (current prices) finally.

Still, foreign policy can be efficient and democratic at the same time, as seen in a number of cases of EU external action. The question should not be whether to strike a balance between legitimacy and efficiency but how to do so. In the post-Lisbon framework and under the pressing circumstances challenging the European project, treaty-based and informal achievements need to be consolidated by improving inter-institutional cooperation for the sake of building a collective ownership of EU foreign policy based on public acceptance. The response to the “how” concerns no less than the quality of an EU representative democracy we aspire to live in.

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