



Istituto Affari Internazionali



CONFERENCE REPORT

THE DEMOCRATIC CONTROL OF EUROPEAN FOREIGN, SECURITY AND DEFENCE POLICY

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Following the transformations in the process of European integration triggered by the Treaty of Maastricht, a contentious debate has started over the democratic legitimacy of the European Union. Even though this debate has focused mainly on Community activities, it has recently been extended to the instruments and procedures of the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP). The debate has revolved among other things on the level where this control should be situated (national, EU or transnational parliamentary bodies), has acquired a renewed importance and urgency following the entry into force of the Lisbon Treaty. The aim of this seminar was to analyze the issue of democratic control in the field of the CFSP and CSDP and to elaborate proposals for a better use of the numerous new tools created by the Lisbon Treaty, mainly thinking in terms on inter-institutional relations. During the seminar, three background papers written by TEPSA researchers were presented by the speakers and discussed with the commentators and participants.

The saliency of the issue of democratic control of European foreign, security and defence policy

During the first panel the dialectic between legitimacy and efficiency in the field of European foreign, security and defence policy was discussed. As outlined by the first speaker, both the debate on democratic legitimacy and foreign policy are not new. The founding vision of the EU itself was to eliminate the risk of war. Having fulfilled this objective, the EU is in need of a new vision for the 21st century to ensure that European interest and values are more effectively implemented and represented abroad. The Union already has some valuable instruments: on the one hand the traditional Community 'soft power' instruments; and on the other hand the CFSP and CSDP as instruments for a potential 'hard power'. The abolishment of the pillar structure creates a unified structure that should result in a more effective and more visible European role in the world.

In order to increase legitimacy, it was further argued that the democratic control of foreign, security and defence policy should be achieved through the parliamentary system. Three level of analysis were introduced: the European level of the European Parliament, the national level of national parliaments and the level of public opinion. On the one hand, the need for the European Parliament to be more involved in foreign and security issues has been highlighted, since the EP can ensure coherence and as it constitutes the natural arena of democratic control as it is the only forum in the EU not divided based on nationality. On the other hand, since national policies have not been replaced by CFSP and CSDP but coexist, the role played by national parliaments is a continuous necessity. As mentioned by one commentator, both the role of the EP and the national parliaments are complementary, as they are both controlling the executive. Moreover, speakers and commentators agreed on the necessity of the intensification of the relations between the EP and the national parliaments. Finally, the importance of the public opinion has been raised. In this regard, one of the speakers underlined the ease to secure the consent of the elites while, on the contrary, people were often sceptical. For this purpose, it

was recommended to pay more attention to opinion polls as they constitute a means of understanding the views of citizens. It was further argued that the national parliaments have the advantage to raise the media attention on these issues and then to interact with the public opinion more easily.

Regarding the efficiency issue, some limitations have been raised. One of the participants pointed out the ambiguities that still remain in terms of coherence and capacity of combining levels of competences despite the entry into force of the Lisbon Treaty. Moreover, the danger of overestimating the role of national parliaments has been expressed by one commentator. Instead, it was further argued that the budgetary power of the EP should be used more often. Nevertheless, speakers and participants agreed on the fact that part of the problem lies in the fact that the EP often stands in 'the shadow of the Council', even if they are 'equal partners' according to the Treaty.

During the conclusion of the first panel, a consensus could be observed on the fact that the results coming from the implementation of the Treaty still have to be seen. The democratic legitimacy of CFSP, and more especially its input legitimacy, is only at its beginning. In this sense, taking into account the traditional method of decision making, it was argued that it is soft power more than hard power that will count for the future of the EU. However, it was concluded that democratic legitimacy has still to be proved and demonstrated at EU level. In this respect, it was claimed that efficiency and legitimacy are not elements that can trade-off.

The level of democratic parliamentary control: national, transnational or European?

In the second session it was pointed out that the agreement on the specific nature of the domain of foreign, security and defence policy, as 'high politics' with implied 'legitimate' restrictions to parliamentary control, is currently disappearing. Subsequently the three possible levels of parliamentary control, national European and transnational, were discussed. The divergence of national parliaments, regarding their role in the decision-making was highlighted. It was further argued that the power of the a national parliament at EU level depends of its power at national ones. Regarding the European Parliament, despite the enhancement of its role in external relations by the Lisbon Treaty (notably in the field of international agreements), limitations have been detected in its capacity to impose its participation in classical foreign policy. The transnational parliamentary cooperation has been analyzed in terms in terms of linkage between national and European levels of control.

Attention was drawn on the paradox of the current situation in which the MEPs are informed on CSDP but have rather limited powers, while national parliaments hold a certain influential power but are not sufficiently informed. As a result, the ways of cooperation between the EP and national parliaments have been questioned and more particularly the question to know whether in the case where the European level would gain more influence on CFSP, it should happen at the expense of the national level or complementary to it.

A vivid discussion developed on the question of the efficiency of the transnational level of cooperation, especially COSAC. One participant suggested skipping it while another advocated transnational parliamentary cooperation on the basis of sectoral issue instead of general ones, like the parliamentary cooperation in the WTO.

The panel concluded, as already mentioned in the first session, by the fundamental role of the European Parliament when it comes to democratic accountability, as it is the only institution that has a shared vision on the situation while national parliaments have only a view on the part of the whole.

The Lisbon Treaty and the powers of the EP in the democratic control of CFSP and CSDP

The last panel focused on the role of the European Parliament following the adoption of the Lisbon Treaty as well as the European External Action Service after the negotiations. As outlined by one speaker, the EP has traditionally played a minimal role in the field of the CFSP and CSDP. There were two main reasons given for this: the intergovernmental nature of the EU external policy and by the fact the traditional focus on efficiency rather than on democratic control.

During this session, the new features of EP's role in the EU external action field after the entry into force of Lisbon Treaty were analyzed. The wording of the Treaty is often vague, the EP capitalised on this in the implementation. Firstly, article 36 TEU was mentioned. In comparison with the former article 21 TEU that only referred to CFSP, it grants the EP with consulting powers on both CFSP and CSDP. It also created a new relation between the EP and the High Representative, who can now consult the EP on these issues. The second point analyzed was the EP's right to be informed by the Council and the Commission. However, as it was noticed by one speaker, this subject is governed by several inter-institutional agreements. Then, regarding the role of the EP in the field of EU missions, the lack of formal power of authorization was mentioned. Nevertheless, it has some non-binding instruments to exercise scrutiny over the EU missions. One of the commentators underlined the tendency of the Council to camouflage CSDP missions as civilian rather than military to alleviate EU's decision-making. The EP should be aware of this tendency, that could also harm the credibility of the EU in third states.

To conclude, it was stressed the paradox of the claim that the Treaty of Lisbon would bring more policy coherence, while the evident institutional incoherence persists. The inherent contradiction with EU's foreign policy lies in the aim of the treaty – more coherence by abolishing the pillar structure – whereas the CFSP pillar remains to exist. It was also pointed out that using the EP's budget power to increase their influence on other policy areas like CFSP is merely a nuclear instrument. Consequently it was suggested that the most powerful instrument of the EP is the establishment of a dialogue based on mutual trust between the institutions. The drive for coherence and coordination between EU's external policies should also take place between the EP committees themselves, something that is currently lacking.

During the seminar different aspects of the democratic control of EU's foreign, security and defence policy have been discussed in depth. The discussion focused on the role of the EP as the only democratic body with the legitimacy to scrutinize EU level foreign policy, though there were also critical observations made how this function could be better carried out by the EP.

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