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Workshop

Parliaments and Security Policy:

Control, Legitimacy, and Effectiveness of Foreign Policy Decisions

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(1) What influence does parliament have on security policy?

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1. The war powers of the UK parliament: What has been established, and what remains unclear?

James Strong (London)

This paper discusses the UK parliament's recently acquired conventional powers to veto the use of force abroad. It seeks to understand the nature of parliamentary influence in Britain, on the use of force specifically and on security policy more generally. It also aims to clarify where ambiguity remains about the nature and extent of parliamentary authority. MPs gradually gained the right to decide on war as a result of a series of incremental decisions by Prime Ministers Blair and Cameron. They voted to approve military action in Iraq in 2003, Libya in 2011 and against ISIL in 2014. They vetoed intervention against the Assad regime in 2013. Each occasion cemented previous precedents, and helped shape the contours of a new political convention. That convention is well established. A government that sought to take Britain into an armed conflict without parliamentary approval would struggle for legitimacy. But it is also purely political rather than legal or constitutional. A Prime Minister who chose to ignore MPs might face retribution, but would not be breaking the law. As a result, several ambiguities remain. It is unclear exactly when a vote must take place, both in terms of the sorts of actions MPs demand approval over, and the timing of their input relative to the deployment of troops. It is unclear what are the prerequisites for parliamentary approval, though none are definitively required. MPs often request information about policy proposals, and the recent debate over fighting ISIL in Syria has suggested a growing role for House of Commons Select Committees in this process. But there are no defined rules. The paper also discusses the unintended consequences of involving parliament in decisions about the use of force. Chief among them is the politicization of decisions, and the breaking down of 'normal' parliamentary dynamics. Britain is usually ruled by 'elected dictatorship', with single-party governments comfortably commanding the support of the House. Recent years however have seen weaker governments needing opposition support to win votes on military action. That imperative has led to confusing compromises, such as the decision to bomb ISIL in Iraq but not Syria. It has also, perhaps ironically, reduced how closely parliament reflects the popular will.

2. Japan's Security Policy under the Abe Government: Parliament left out in the cold?

Alexandra Sakaki (Berlin) and Kerstin Lukner (Duisburg)

Recent changes in Japan's security policy under Prime Minister Shinzo Abe (in office since December 2012) have garnered overwhelmingly unfavorable media responses. Critics view the loosening of military restrictions as a departure from the traditional tenets of Japanese security policy. They also reproach Abe for his dismissive attitude towards the Diet, contending that the Prime Minister has neglected the legislature in important security affairs or even bypassed it altogether. From this perspective, Abe and other members of the ruling Liberal Democratic Party have not taken parliamentary debates on the recalibration of Japan's security policy seriously, frequently failing to respond to the opposition's arguments and questioning. Critics have also condemned the 2014 Cabinet decision to reinterpret the so-called 'Peace Clause' (Article 9) of the Constitution, which has played an important role in restricting Japan's international military contributions. Abe was accused of using a Cabinet decision to circumvent the formal procedure of a constitutional amendment (including Diet

approval), thereby undermining Japan's democratic principles. In light of these developments, this paper scrutinizes whether and to what extend the Japanese Diet has actually lost power and influence in security policy making since Prime Minister Abe took office. It focuses on (1) the decision making process relating to the recalibration of Japan's security policy as well as on (2) the content of new security laws and guidelines. Did the Abe government in fact disregard or bypass the Diet in the course of Japan's security policy reorientation? Do the new security-related laws include further infringements on the Diet's formal powers?

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(2) What determines the strength of parliamentary influence on security policy?

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3. **Parliament and Canadian Defence Policy: The Exaggerated Impact of Minority Government on Legislative Influence**

Philippe Lagassé and Stephen Saideman (Ottawa)

Canada's Parliament plays a limited role in security policymaking. The legal and constitutional authority to formulate and implement security lies almost exclusively with the executive in Canada. Parliament's ability to shape security policy is largely derived from its ability to critique the government, investigate matters in committee, amend or defeat legislation, and potentially withdraw confidence in the governing ministry. These instruments of parliamentary influence, however, are weakened by strict party discipline, a practice that strongly discourages government party parliamentarians from questioning the executive. Indeed, during a majority parliament, strict party discipline ensures that the executive can pursue its legislative and policy initiatives without worrying about parliamentary obstruction or a loss of confidence. In light of the executive's particular strength during majority parliaments, scholars of Canadian government have argued that minority parliaments are preferable from the standpoint of democratic theory. For these scholars, minority parliaments offer an opportunity for the legislature to exercise veritable influence over the executive, rebalancing the relationship between the two branches and compelling the governing party to cooperate with the opposition. When applied to security policy, this theory would predict that Parliament's influence over security policy will increase during periods of minority government. This paper tests the proposition that minority parliament reduces executive strength in security policy and increases the legislature's influence. The examines three cases from the Canadian minority parliaments of 2006-2011: 1) defence procurement; 2) military deployments; 3) Afghan detainees. The paper argues that the theory of greater minority parliament influence holds for the first case alone. In the second and third cases, the paper concludes that a minority parliament actually strengthened the executive. The variation, the paper argues, is found in two sources: elite consensus and party preferences. Specifically, the paper finds that minority parliaments will fail to exert greater influence over security policy if a) opposition parties side with the government on security matters; or b) if the preferences of opposition parties lead them to diminish their critiques of the government, whether to avoid an election or in hopes of influencing government policy. Conversely, Parliament's influence will increase if opposition parties remain steadfastly critical of government policy and they are willing to risk an election over matters of security policy. This suggests that, contrary the minority parliament literature, the legislature will have the greatest influence over the executive when opposition parties remain steadfastly adversarial toward the government.

4. **Prime Minister Leadership Style and the Role of Parliament in Foreign Policy**

Juliet Kaarbo (Edinburgh)

This paper will explore how differences in prime ministers leadership styles and personalities may enhance or minimize parliamentary influence in foreign and security policy. Drawing on work on personality differences in political psychology and on research on political leadership, I argue that leadership beliefs, perceptions, orientations toward others, and management skills are a critical but often overlooked factor in the growing area of research on parliaments and foreign policy. Using examples from UK and Turkey, I propose the key leader characteristics that are important for the prime minister-parliamentary relationship in foreign policy. One key characteristic, for example, is leaders' orientations toward constraints -- some leaders may dismiss parliamentary constraints as a distraction, while others believe it prudent or normatively ideal to be open to parliamentary input. More generally, this paper will challenge a focus on formal-institutional powers of parliaments and argue that a prime minister's leadership style is a key condition can strengthen or weaken parliamentary veto and control rights. The focus on prime ministers has an analytic advantage of bringing together some of the various 'factors' to explain parliamentary influence (factors such as intraparty divisions and public opinion), but does raise normative concerns about democratic processes.

5. **Representation vs. Influence? Politicization and EU-level Parliamentary Oversight of Security and Defence Policy**

Anna Herranz-Surrallés (Maastricht)

Despite its limited formal powers, the European Parliament (EP) has over time acquired a substantial involvement in EU foreign policy, including security and defence matters. This stronger role has been achieved mostly through inter-institutional agreements and informal practices stirred by the activism of MEPs and the EP's determination to develop institutional capacity and expertise in this policy domain. Accordingly, some authors have described the EP's role in foreign and security policy as a "working parliament", where standing committees are active in co-developing policy through consensual decisions. The EP's traditional reliance on broad consensual cross-party decisions has been regarded as particularly important for its ability to act as an effective counter-balance to the Council and necessary to assert its influence in intergovernmental domains. This paper will revisit this relation between cross-party consensus and the institutional position and influence of Parliament, particularly in light of the changes in the composition of the EP over the past parliamentary terms. Albeit for very different reasons, the gains experienced by both far right and left-wing parties has led to an increase in the number of MEPs questioning the need for greater EU cooperation in security and defence matters. This warrants the question of how this growing politicization of security and defence issues is affecting the EP's ambition to seek greater influence and oversight in this policy domain. In order to address this question, the paper will, first, examine the evolution in the share of no-votes on reports/resolutions dealing with security and defence issues, both in Committee and Plenary. In a second stage, the paper will draw on interviews to examine to what extent the stronger presence of MEPs sceptical about the Common Security and Defence Policy (CSDP) in the foreign affairs committee (AFET) and sub-committee on security and defence (SEDE), including in the main leadership positions, is influencing the overall EP's ambition to play a greater role in this domain. By so doing, the paper aims to contribute to the broader discussion on the relation between politicization and parliamentary oversight.

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(3) What are the effects of parliamentary activity in security policy?

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6. **Is there a parliamentary peace? Evidence from military interventions**

Wolfgang Wagner (Amsterdam)

In its institutionalist version, Democratic Peace Theory suggests that domestic institutions constrain governments in using military force. Parliament is the most obvious institution than could exert such a constraining effect, especially if it is endowed with an ex ante veto power over deployment decisions. This implies that countries with a parliamentary veto power should be less likely to participate in military interventions, than countries without such a veto power, ceteris paribus. This paper critically reviews existing studies and points out that many quantitative studies suffer from using inadequate proxies (e.g. parliament's power to ratify treaties) when measuring parliamentary control. The paper then presents findings from own research on the influence of parliamentary veto powers on the likelihood of participation in the military interventions 1999 (Kosovo), 2001 (Afghanistan), 2003 (Iraq), 2011 (Libya) and 2014 (IS). The sample includes all liberal democracies that are either members of NATO or affiliated with the alliance via the Partnership for Peace program.

7. **Effective oversight, less contestation: The Finnish Eduskunta and crisis management operations**

Tapio Raunio (Tampere)

The literature on parliamentary war powers has focused on the veto rights of legislatures. This case study on the Finnish Eduskunta adopts a more comprehensive approach. Utilizing insights from principal-agent models, it examines the influence of various ex ante and ex post accountability mechanisms and distinguishes between scrutiny and debating functions of parliaments. Finland is a most-likely case for strong parliamentary involvement. Through recent constitutional reforms the Eduskunta has for the first time acquired constitutional authority in foreign affairs, while issues related to national security understandably attract considerable attention among Finnish MPs. Based on official documents, statistics and interviews, the analysis reconstructs parliamentary involvement in every crisis management operation where Finnish troops have been deployed since the mid-1990s. The findings underscore the importance of ex ante scrutiny and reporting requirements. The 'grand strategy' document, the Government Security and Defence Policy Report, enables political parties and the Eduskunta to set the parameters for national security decisions. The approval of the Eduskunta is essentially required for all troop deployments, and this has created 'ownership' of crisis management

among MPs. Debates on troop deployments have nonetheless become less intense and less driven by left-right cleavage, with broader cross-party support for participation in crisis management and for EU-led operations in particular.

8. Legitimacy and Public Opinion: Parliamentary Deployment Debates and News Coverage in France before and after the 2008 Constitutional Change

Falk Ostermann (Gießen)

For increasing the public legitimacy of the use of armed force abroad, the French constitutional reform of 2008 endowed parliament with post-deployment voting rights on military missions. Since then, more than ten missions have been debated and voted publicly in the two chambers' plenaries, leading to a broader implication of lawmakers into security and defense decision-making. This article investigates whether the increased inter-institutional process-legitimacy is matched by an increasing attention given to military missions in news coverage. It scrutinizes parliamentary debates in their dealings with the missions, and it analyzes the two leading national newspapers (Le Monde, Le Figaro) as to whether and how they take up parliament's consideration of the missions, and whether this coverage has increased in comparison to pre-constitutional change times. In doing so, the article contributes to our understanding of the culture of control of military missions and the role of French parliament and media in creating public legitimacy for interventions.

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(4) How do parliaments influence security policy?

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9. 'Too much to die, too little to live?' – The Emerging Role of the European Parliament in European Security Policy

Guri Rosen (Oslo) and Kolja Raube (Leuven)

The evidence seems clear: The European Parliament (EP) and other supranational institutions (Commission, European Court of Justice) are isolated from the decision-making centres of European security policy. Neither does the EP have a parliamentary prerogative – the way it does exist in several national contexts –, nor does it have co-decision powers in the field of the Common Security and Defence Policy (CSDP). The EP in fact only has to be consulted and it can merely pass recommendations on respective policy decisions. In this view, following a German saying, the EP seemingly has 'too much to die and too little to live'. Moreover, in the context of internationalized and Europeanized security policy, in which decisions are taken first on the international and European decision-making level, there is an asymmetry between the EP and those 'strong' parliaments, which do have prerogatives and co-decision powers that likely enable them to scrutinize and to hold accountable executive decision-making processes. In the following paper we argue that such a formal-institutional and static analysis does not suffice to understand the role of the EP in the context of EU security policy and its factual influence. An analysis of the EP's influence in EU security policy must rather take into account the following two aspects: First, the analysis should – on the basis of new institutionalist approaches – take into account dynamics of informal institutional changes, and explore accordingly, to which degree the EP uses newly-won informal instruments and institutions to influence EU security policy. Second, the analysis of EU security policy should not only be understood as being a vertical, but also a horizontal process, which involves decisions in other policy areas. Such a ' deepening and widening' of the analytical perspective and scope allows to take into account the indirect influence of the EP on security policy; in other words, it focuses on how the EP uses its informally and formally strengthened position in CFSP and other policy areas to expand its influence on security policy. Against the background of empirical evidence in several case studies, the paper will furthermore discuss the question how – with a view to scrutiny and factual policy influence – we can evaluate the informal and formal EP participation in EU security policy in terms of democratic theory.

10. Parliamentary Oversight of Foreign Policy: Legislative Behavior between Responsiveness and Party Discipline

Aron Buzogány (Berlin)

While historically the emergence of parliaments is closely related to the 'war powers' they possessed, it is only recently that issues relating to parliamentary oversight of foreign policies have gained increased attention within International Relations (IR) scholarship. Even where this was the case, parliaments were usually regarded as unitary actors and research has focused on their formal powers. The recent „Domestic Politics & Decision Making Turn in IR Theory" (Kaarbo, 2015) both opens and widens the IR-perspective for research in party politics and legislative studies. Two aspects are especially noteworthy

in this context: 1) Legislative studies underscore the necessity of taking individual behavior of MPs into account and 2) highlight that MPs have several formal, but also informal channels to influence governments in foreign policy. Empirically, this paper will provide a study of the foreign policy-related legislative behavior concerning of German MPs of the 17. & 18. electoral term. It will analyze roll-call votes, but also parliamentary questions and speeches. In addition, it will also assess the responsiveness of MPs to foreign policy related questions by the public by using data from the parliamentary watchdog site abgeordnetenwatch.de.

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(5) When are parliamentarians willing to exercise influence on security policy?

11. **Between Deference and Assertiveness: Congressional War Powers, Electoral Incentives and the Assessment of Security Interests**

Florian Böller and Marcus Müller (Kaiserslautern)

So far, the war powers literature prevalently argued that Congress is unable to control the executive in the field of military interventions. This article proposes a more nuanced picture: First, we hold that congressional behavior varies considerably between support and critique of the executive. Second, in contrast to the argument that congressional war powers are defective in the politics of military interventions, we understand congressional behavior as rational and strategic. Following a liberal perspective on foreign policy decision-making, we highlight the impact of two factors: First, Congress is responsive to electoral incentives when choosing to support or criticize presidential war policies. Second, members of Congress evaluate whether the use of force abroad is connected to vital US security interests. Congress is more sceptical towards humanitarian interventions, peace keeping missions or democracy promotion. Interventions which aim at the prevention of vital security risks (WMDs, terrorism) are more likely to summon congressional sup-port. Both factors, electoral incentives and security interests, are connected as they are rooted in societal preferences. We illustrate our thesis on three recent cases of US military interventions (Iraq 2007-09, Libya 2011, ISIL 2014-15). At the end of the Bush administration, the war in Iraq was highly unpopular among US voters. Congressional debates also show, that members of Congress agreed that the intervention lacked a clear connection to US security interests. Thus, the Democratic majority pushed to change course in Iraq with binding legislation. In Libya 2011, it was the Republican House which criticized the intervention. In line with traditional GOP scepticism towards humanitarian interventions, Republicans (and left wing Democrats) defeated an authorizing resolution for the war. However, facing few electoral incentives, critics in Congress did not issue binding legislation to stop the use of force. In the case of the intervention against ISIL since 2014, Congress remained silent. Congressional deference is fuelled by broad public support for the war in conjunction with a strategic consensus among members of Congress on the policy objectives of the mission.

12. **Enhancing the Democratic Legitimacy of EU Foreign Policy: The Role of the European Parliament**

Annika Herbel (Heidelberg)

During recent years, discussions about the democratic legitimacy of the European Union (EU) have increased and also touched the Common Foreign and Security Policy (CFSP). They have been accompanied by claims for transferring more powers to the European Parliament (EP) in general as well as in the CFSP in particular. Although the EP acquired important rights in the Treaty of Lisbon, its competences in the CFSP have remained largely unchanged and it still plays a rather marginal role according to the Treaties. In contrast to policies of the former 'first pillar', foreign policy in the EU is still mainly governed by intergovernmentalism. Therefore, de jure, the influence of the EP on Council decision-making is limited. Yet, de facto, we can observe a great amount of voluntary activity by the EP in form of own-initiative reports and topical resolutions on foreign and security affairs which do not have a direct legislative impact. Here, the question arises of when and why the European Parliament invests time and resources to engage in or initiate these procedures. And, moreover, can they be considered as a form of democratic control? Own-initiative reports and topical resolutions are the only instruments that members of the European Parliament have at their disposal to express their opinion on foreign and security policy issues. This paper focuses on the analysis of rapporteurship of these reports. The assignment of reports is used as a proxy to operationalize "initiative". In general, rapporteurship does not come for "free". Reports are allocated according to a point system with each type of report having its own "price" and, hence, party groups have to invest their points to be assigned a report. So what are the incentives for party groups to do so and initiate foreign policy related reports which do not even have a direct legislative impact? And in a next step, can these reports be allocated to specific Council

documents from the CFSP? To this end, I analyze data on the assignment of rapporteurs to foreign policy related own-initiative reports during the sixth (2004-2009) and seventh European Parliament (2009-2014). This data is matched with data on Council CFSP documents during the same period. Doing so, my paper tries to shed some light on the questions of whether MEPs are willing to use the instruments they have at their disposal to influence the foreign policy of the European Union and of whether the EP can be seen as a tool to enhance the democratic legitimacy of EU foreign policy.

(6) How does security policy affect parliamentary politics?

13. **Parliamentary Control and Political Conflict over Military Operations inside and outside the CSDP: Evidences from the German Bundestag**

Andreas Wimmel (Innsbruck)

In contrast to other member states of the EU, all decisions on foreign deployments of the Federal Defence Forces of Germany (Bundeswehr) have to be parliamentary ratified by the German Bundestag. Against this background, the paper seeks to analyze the impact of the institutional setting in which military operations are carried out on the patterns of domestic political conflict. Based on a data set that covers all roll-call votes from 1990 to 2015, the study compares the conflict intensity of military operations inside and outside the Common Security and Defence Policy (CSDP). Two dimensions of political conflict will be distinguished: (a) conflicts between national political parties, meaning the difference of voting behavior; (b) intra-party dissent, meaning the extent delegates deviate from the party line. The main hypothesis suggests that military operations inside the CSDP are less contested in both dimensions, because CSDP missions rely on a broad consensus with other EU partners and are embedded in a common institutional framework which supports the preparation and coordination of multilateral actions.

14. **Parliament Strikes Back: Parliamentary Scrutiny and Normal Security Politics in the 'War on Terror's**

Hendrik Hegemann (Osnabrück)

The post-9/11 'war on terror' apparently goes along with the adoption of exceptional measures, the strengthening of executive powers and the constraining of democratic politics. In the language of critical security studies, this can take the form of existential threat constructions and exceptional politics in the Copenhagen School or technocratic risk management by administrative security professionals in the Paris School. With growing distance to 9/11, however, new forms of security politics have emerged, which become most visible in the work of democratic legislatures. Parliaments have started investigations, issued evaluation reports and held contentious debates on some of the most controversial measures adopted in the 'war on terror', such as 'targeted killings', 'enhanced interrogation' and mass surveillance. Hence, counterterrorism policy in Western parliaments in many respects mirrors rather 'normal' democratic politics. The paper takes up this observation and makes two main contributions to existing research on the politics of security and the role of parliaments. First, many critical security scholars proposed normal politics and politicization as a normative ideal. Yet, they eventually focused on how securitization is used to circumvent normal politics and how desecuritization could be used as an alternative to overcome security thinking. They did not, however, study actual concepts and practices of normal politics in the security field. Second, parliaments were largely limited to a role as audience of executive securitization moves or bystander to non-transparent networks of 'managers of unease'. They were not considered as security actors in their own right. This paper contributes to critical security research by highlighting parliamentary oversight in the fight against terrorism as a specific practice of normal security politics. It thereby elucidates the dynamic role of parliaments in contemporary forms of security governance beyond military interventions and the armed forces. Rather than looking at lawmaking that has already received some attention, the paper specifically focuses on parliamentary oversight with a special view on intelligence agencies. It asks: What is the role of parliaments in the 'normal politics' of the fight against terrorism? How does parliamentary oversight work and which conception of security politics does this meet? How can parliamentary oversight constrain exceptional and technocratic politics in the fight against terrorism from a democratic standpoint? Empirically, the paper focuses on different kinds of parliamentary scrutiny in the German Bundestag, especially the committee of inquiry that investigated the NSA scandal and recent attempts to strengthen the formal control of intelligence services.